



Local Election Finance Study II

League of Women Voters
Southwest Santa Clara Valley (SWSCV)
Serving the communities of Campbell, Los Gatos, Monte Sereno, & Saratoga

December 4, 2019

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Study Committee

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Preamble

The League of Women Voters (LWV) encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

The LWV Mission is: Empowering voters. Defending democracy.

Preface

After the 2016 November elections, the SWSCV League conducted a Local Election Finance Study.² The study was discussed with local elected officials and presented at the city councils and school boards within our local area of Campbell, Los Gatos, Monte Sereno, and Saratoga. The present Local Election Finance Study II, following the 2018 November elections, is a continuation of that effort. The study reviews and analyzes available information on local election regulations, financing and reporting for the cities and school boards within our local area. It also compares local election practices to those of the other cities in Santa Clara County. The purpose of our continuing study of local elections is to understand best practices, educate our membership, and explore ways to increase transparency and encourage participation in local elections.

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Executive Summary

The League of Women Voters seeks to promote participation and transparency in our local elections for both voters and candidates. This study's focus is an assessment of current election finance and reporting processes for city council and school board elections in Campbell, Los Gatos, Monte Sereno, and Saratoga. It is the second study in our series following statewide elections. In this study the results for the November 2018 election are analyzed. There were 20 candidates contending in the four city council races and 12 candidates contending in three school board races. All races were contested and one city council race was decided by a margin of only 65 votes.

The money spent on city council races ranged from less than \$2000 to over \$40,000, with the average spent being \$1,560 for Monte Sereno, \$6,365 for Los Gatos, \$14,506 for Campbell and \$20,254 for Saratoga. The average total spending increased in all council races between 2016 and 2018, with increases ranging from 6% in Campbell to 83% in Saratoga. Campaign spending for school district races was also substantial in some races, ranging from less than \$2,000 to \$40,262 in one case.

As part of this study, comparisons were made to additional local election regulations instituted by nearby cities, including maximum contribution limits, voluntary expenditure limits, term limits, and disclosure of top donors in campaign advertisements.

As a result of the study we have several major findings that we believe may promote participation and transparency in our local elections for both voters and candidates. . We encourage our League members along with our community members and the leadership of our local cities and school boards to discuss, debate, and consider these findings. The findings are presented in Section 10 of this report and are briefly summarized here:

- We encourage our cities to post on their websites detailed candidate guidelines with links to sources of useful candidate information.
- We encourage our cities to post more information during election season on their city website regarding candidates running for city council positions such as candidate statements, candidate forum announcements, voter/candidate information websites.
- Los Gatos posts city council candidate campaign finance reports (Form 460, 470, 497...) on the city website. We recommend that our other cities consider this practice.
- Campbell bears a portion of the candidate statement cost, currently about \$1,500 for 200 words (\$2,600 for 400 words Saratoga) for the Voter Information Pamphlet mailed to all voters. We recommend that our other city councils consider this practice.
- We encourage our cities to discuss the relative merits of voluntary spending limits and/or (non-family) campaign donation limits and to consider instituting voluntary spending limits linked to supporting a portion of the candidate statement cost.
- We encourage our school boards to consider sharing a fraction of the cost of the candidate statement (\$1,600 to \$3,400) to encourage qualified candidate participation in school board elections and to get the candidate's statement out to the voters.
- We encourage our city councils and school boards to discuss and consider the merits of term limits in order to bring forth new candidates and ideas.

1. Introduction

Local elections are the foundation of democracy. Key tenets of democratic elections are **participation** and **transparency**. Participation means to ensure that we have informed voters engaged in the election process who support and encourage local leaders to stand for election and who participate in the governance of our communities.

Transparency means that our citizens are well informed about our candidates, their positions, their sources of financial support, and their expenditures. To paraphrase Justice Louis Brandeis, sunlight is “the best of disinfectants.” In democratic elections we strive for a process that is fair, transparent, and available to all. Hence, we should do everything possible to encourage and make the processes of participation and transparency as convenient as possible.

Several areas of improvement and opportunities for improvement in participation and transparency have occurred in recent years. There have been major improvements in the convenience of registering to vote as well as voting in California in local, state and national elections. While there have been significant changes in election finance law due to Supreme Court decisions over the last 15 years, there remain certain tools which can and have been utilized at the state, county and local level to control, for example the size of candidate contributions and spending. In addition, current laws requiring detailed reporting of contributions and expenditures help provide transparency to voters.

A particularly significant change over the last two decades is the advance of the Internet as a convenient and rapid source of information for all citizens. Nearly everyone in our community has access to the Internet at home, on mobile devices or at libraries. Information can be obtained at one’s convenience, whether at a coffee shop with friends or at home in the middle of the night. The ability of cities to place well-organized and relevant local election information on a city’s website provides a powerful tool to support transparency. A city’s website can and should provide trusted information that can be easily found by both voters and candidates when and where they need it. Many cities in Santa Clara County are pioneering the use of their websites to communicate to voters and candidates. Much is still being learned as to how to most effectively and conveniently provide the information. What is clear, however, is that every city needs to set a priority to develop ways to provide election information to its citizens in an effective and convenient manner.

2. Study Objective

The study’s objective is to promote participation and transparency in our local elections for both voters and candidates. The study examines current local election finance and reporting processes, regulations, and results for city council and school board elections in Campbell, Los Gatos, Monte Sereno, and Saratoga. We include an analysis of the election results, election reporting processes, and election spending. For comparison, we examine local election regulations in the other cities in Santa Clara County. The study concludes by identifying major findings based on our analysis we believe are worthy of consideration and further dialogue by our League membership, our community and the leadership of our local cities and school boards. Our purpose is to educate our members, inform our community, and encourage best practices for elections.

3. Summary of Election Results: Voting and Expenditures

As part of our analysis, we reviewed all city council and school board candidate election results and campaign disclosure reports for the Campbell, Los Gatos, Monte Sereno, and Saratoga area. The November 2018 election results for the city and town council races in the SWSCV League's area are shown in Table I. Also shown for comparison are results for the 2016 election.² We applaud the active participation of our community members in standing for candidacy in the 2018 election. The number of candidates increased in every race compared to the 2016 elections. Also, the differences in the percentage vote totals between winning and losing a race ranged from as low as 1.6% in Monte Sereno to a maximum of 6.8% in Saratoga. Both these points suggest competitive races in all the elections. In Monte Sereno the vote difference amounted to a deciding factor of only 65 votes in 2018 and only 10 votes in 2016. As the adage goes, every vote counts.

As shown in Table I, the amount of money spent by candidates on city council election campaigns varied widely, both between cities and within a given race. At the high end, the total funds spent by one candidate in the Saratoga 2018 race was \$40,297, with the average amount spent per candidate in that race being \$20,254. In contrast, two candidates in the Monte Sereno 2018 race spent only about \$4,700, while the other 4 candidates all spent less than \$2000. In accordance with California election laws if total contributions and expenditures are both below \$2000, detailed contribution and expenditure reporting is not required. In those cases we just indicate in our tables that the expenditures were less than \$2000.

The average expenditure per candidate is shown in Table I to range from \$1,560 for Monte Sereno, to \$6,365 for Los Gatos, to \$14,506 for Campbell, and to \$20,254 for Saratoga in the 2018 city council races. As a general rule of thumb, local expenditures for council seat elections are typically greater for more populated cities. More striking, the average expenditure per candidate in 2018 increased in every race compared to 2016, with percentage increases of: 6 % for Campbell, 13% for Los Gatos, 80 % for Monte Sereno, and 83% for Saratoga.

While candidate choices in how to most effectively spend funds varies considerably, we found in our previous study that the categories of campaign literature, mailing, and postage accounted for the major expenses, being on average, 49% of the amount spent. Campaign paraphernalia accounted for 11% of funds spent on average, while web and information technology services spending was 8%. Candidates engage voters, become known, and get their messages out in many ways. Hence, campaign spending is only one factor in determining election results. For example, the use of social media, such as Facebook, Instagram, and Twitter, is seen to be increasingly important in campaigns. The increasing impact of social media requires candidates to carefully balance their expenditures for traditional campaign literature printing and mailing with the use of candidate websites and with social media in reaching voters.

In addition to campaign spending and social media, the name recognition provided by incumbency is considered to be a significant factor in elections. Incumbency can be inferred to be important in our local elections as well, though it is not the determining factor. As seen in Tables I and II, in aggregate, 7 incumbents and 5 newcomers won

election to their city council in 2018, while 1 incumbent and 7 non-incumbents lost. In one race in 2018 (Monte Sereno) the incumbent lost to 3 non-incumbents.

Table I. City Council Elections, November 2018 and 2016

Campbell 2018 (avg. spent = \$14,506)

Candidate ¹	Votes	% Vote	Result	Funds spent
A (I) ²	8,323	26.0	E ³	\$13,683
B (I)	7,128	22.3	E	\$26,807
C	6,564	20.5	E	\$8,835
D	5,916	18.5	-	\$17,064
E	4,051	12.7	-	\$6,142

Campbell 2016 (avg. spent = \$13,632)

Candidate ¹	Votes	% Vote	Result	Funds spent
A	8063	32.7	E	\$22,845
B	7102	28.8	E	\$2,232
C	5710	23.1	-	\$16,487
D	3793	15.4	-	\$12,964

Los Gatos 2018 (avg. spent = \$6,365)

Candidate	Votes	% Vote	Result	Funds spent
A (I)	9,108	31.1	E	\$17,305
B (I)	8,325	28.4	E	\$8,153
C (I)	7,428	25.4	E	<\$2000 ⁴
D	4,406	15.1	-	<\$2000

Los Gatos 2016 (avg. spent = \$5,611)

Candidate	Votes	% Vote	Result	Funds spent
A (I)	9721	44.4	E	\$16,834
B (I)	7563	34.6	E	<\$2000
C	4602	21.0	-	<\$2000

Monte Sereno 2018 (avg. spent = \$1,560)

Candidate	Votes	% Vote	Result	Funds spent
A	897	22.7	E	<\$2000
B	895	22.7	E	\$4,700
C	735	18.6	E	\$4,657
D (I)	670	17.0	-	<\$2000
E	390	9.9	-	<\$2000
F	359	9.1	-	<\$2000

Monte Sereno 2016 (avg. spent = \$867)

Candidate	Votes	% Vote	Result	Funds spent
A	767	26.3	E	<\$2000
B	765	26.3	E	<\$2000
C (I)	755	25.9	-	\$3466
D	626	21.5	-	<\$2000

Saratoga 2018 (avg. spent = \$20,254)

Candidate	Votes	% Vote	Result	Funds spent
A (I)	9,859	29.6	E	\$40,297
B (I)	8,321	25.0	E	\$9,627
C	6,888	20.7	E	\$39,626
D	4,621	13.9	-	<\$2000
E	3,600	10.8	-	\$11,677

Saratoga 2016 (avg. spent = \$11,045)

Candidate	Votes	% Vote	Result	Funds spent
A (I)	8748	39.3	E	\$7,675
B (I)	7449	33.4	E	\$5,054
C	6075	27.3	-	\$20,405

¹ Letters under Candidate do not represent the same candidate in 2016 and 2018 races.

² I = incumbent

³ E = elected

⁴ If candidate raises or spends less than \$2000, detailed itemization is not required.

Election results for the elementary school board and high school board races that were held in 2018 and 2016² in our area are shown in Table II. In these races no incumbent lost a race, although there were many open seats, which were won by first-time candidates. Differences at the boundary of winning and losing a race were small, ranging from 3% in the Los Gatos Saratoga High School District to 5% and 6% in the other 2018 races. This differential was even lower (<2%) for two of the 2016 races.

There were significant differences in the total expenditures of each candidate for school board elections in 2018. While 6 candidates spent below the \$2,000 threshold, 6 other candidates spent from approximately \$6,000 up to a significantly higher level, exceeding \$40,000 in one case. The average expenditure levels ranged from less than \$2,000 for Saratoga Union Elementary School District, to \$3,953 for Los Gatos Saratoga High School District, to \$19,619 for Campbell Union High School District, which is a much larger district. The larger expenditures give some cause for concern, since a school board race is often considered one of the entry points for running for elected office.

Table II. School Board Elections, November 2018 and 2016

a) 2018 Election

Campbell Union High School District (SD) 2018

(Avg. spent = \$19,619)

Candidate ¹	Votes	% Vote	Result	Funds spent
A	44,953	32.8	E	\$40,262
B (I)	43,069	31.4	E	\$13,558
C	28,178	20.5	E	\$7,755
D	20,971	15.3	-	\$16,901

Los Gatos Saratoga Joint Union HSD2018

(Avg. spent = \$3,953)

Candidate	Votes	% Vote	Result	Funds spent
A (I)	15,386	35.6	E	\$9,646
B	9,875	22.9	E	\$6,164
C	9,614	22.3	E	<\$2000
D	8,304	19.2	-	<\$2000

Saratoga Union Elementary SD 2018

(Avg. spent = <\$2,000)

Candidate	Votes	% Vote	Result	Funds spent
A (I)	6,079	34.3	E	<\$2000
B	4,561	25.7	E	<\$2000
C	4,085	23.0	E	<\$2000
D	3,015	17.0	-	<\$2000

Campbell Union Elementary SD 2018

No election because incumbents ran unopposed.

Los Gatos Union Elementary SD 2018

No election because incumbents ran unopposed.

b) 2016 Election

Los Gatos Saratoga Joint Union High SD 2016

Candidate	Votes	% Vote	Result
A (I)	11968	30.4	E
B (I)	11856	30.1	E
C	8686	22.0	-
D	6879	17.5	-

Los Gatos Union Elementary SD 2016

Candidate	Votes	% Vote	Result
A	6359	34.5	E
B	6195	33.7	E
C	5849	31.8	-

Saratoga Union Elementary SD 2016

Candidate	Votes	% Vote	Result
A	5842	39.5	E
B	4660	31.5	E
C	4302	29.0	-

¹ Letters under Candidate do not represent the same candidate in 2016 and 2018 races.

4. Voter Information Pamphlet

One notable expense for low budget campaigns is the cost of including one's candidate statement in the Voter Information Pamphlet. This packet includes the sample ballot and is mailed to all voters. There is a charge for including the candidate statement to cover a share of the county's printing and mailing expense based on census population data for the election district. As shown in Table III the candidate statement cost for council races in Campbell, Los Gatos, Monte Sereno, and Saratoga is \$1,628, \$1,561, \$1,493, and \$2,654, respectively. The higher cost for Saratoga is due, in part, to candidates in that city choosing to use 400 word statements, whereas the candidate statement length used in other cities is 200 words. As seen in Table IV, the cost is also substantial for school board races in our area. The candidate statement fee is due immediately upon filing to run. By law this cost can be borne by the candidate, by the local district (city or school board), or can be a shared cost. In our area, the city of Campbell charges candidates for council a \$300 fee and pays for the balance of the candidate statement cost. This practice of sharing a portion of the statement fee helps to reduce the possibility that the size of this initial fee will discourage qualified candidates from running for office.

The importance of the candidate statement is that voters often perceive a lack of seriousness or effort on the candidate's part if the statement is missing in the Voter Information Pamphlet, whereas it can be a serious cost consideration for low budget campaigns. Thus in reality low-budget candidates may choose to forgo this expense even though it will reduce information available to voters and may leave a negative impression with some voters. We consider the Campbell practice of sharing in the cost of the candidate statement to be a best practice. It encourages participation by candidates, requires a moderate payment (\$300) so that the candidate has some "skin in the game", and assures the availability of candidate information to voters.

Table III. City Council Candidate Costs for November 2018 Election

<i>City</i>	<i>Population¹</i>	<i>Candidate statement length</i>	<i>County fee to print candidate statement²</i>	<i>Cost to candidate for statement</i>	<i>City filing fee</i>
Campbell	42,466	200 words	\$1,628	\$300 ³	\$0 ⁴
Los Gatos	30,680	200 words	\$1,561	\$1,561	\$25
Monte Sereno	3,487	200 words	\$1,493	\$1,493	\$25
Saratoga	30,599	400 words	\$2,654	\$2,654	\$25

¹ U.S. Census Bureau, 7/1/2018 estimate, www.citypopulation.de/en/usa/california/06085__santa_clara/

² There is a fee charged by the county Registrar of Voters to have a candidate's statement included in the Voter Information Pamphlet (mailed to all voters) to cover a share of the county's printing and mailing expense. It is based on census population data for the candidate's election district.

³ Campbell charges \$300 for the candidate statement and subsidizes the remainder of the county fee charged by the Registrar of Voters.

⁴ Included in the \$300 candidate statement fee.

Table IV. School Board Candidate Costs for November 2018 Election

<i>School District</i>	<i>Candidate statement length</i>	<i>Cost for candidate statement¹</i>
Campbell Union High School District	200 words	\$3,415
Los Gatos Saratoga High School District	200 words	\$1,629
Saratoga Union Elementary School District	200 words	\$1,606

¹ Candidates for school board do not pay a filing fee.

5. Useful Candidate Sources of Information

There are many useful sources of information for individuals considering running in a local election. For city council races the city clerk's page on the city web site provides links to local election and candidate information. In addition, it can be very helpful to visit with the city clerk in person. The clerk is well versed on local election procedures and can brief a potential candidate on the required processes. Also, they often provide a candidate guide, which can serve as a handbook for what needs to be done with a convenient timeline. See, for example, the 2018 Los Gatos Candidate Guide (web site given below). The candidate handbooks and toolkits are also helpful for candidates running for school board election (see for example, the CFPP web site "Candidate Toolkit" and Registrar of Voters SCC Candidate Guides given below). In addition, speaking with others who have previously served in the position being considered can be very helpful. Useful websites when running for election are:

Registrar of Voters: <https://www.sccgov.org/sites/rov/Info/Pages/CandidateINFO.aspx>

This site includes an election calendar, candidate lists, and candidate guide for upcoming elections. See, e.g.,

Santa Clara County Candidate Guide November 6, 2018 Election:

[sccgov.org/sites/rov/Info/Nov2018info/Documents/Candidate%20Guide%20-%20November%206,%202018.pdf](https://www.sccgov.org/sites/rov/Info/Nov2018info/Documents/Candidate%20Guide%20-%20November%206,%202018.pdf)

Mar. 3, 2020 Election: [sccgov.org/sites/rov/Info/Mar2020Info/Pages/Mar2020Info.aspx](https://www.sccgov.org/sites/rov/Info/Mar2020Info/Pages/Mar2020Info.aspx), and

[sccgov.org/sites/rov/Info/Mar2020Info/Documents/final%20091019%20Candidate%20Guide%20030320.pdf](https://www.sccgov.org/sites/rov/Info/Mar2020Info/Documents/final%20091019%20Candidate%20Guide%20030320.pdf)

Nov. 3, 2020 Election: [sccgov.org/sites/rov/Info/Nov2020/Pages/Nov2020Info.aspx](https://www.sccgov.org/sites/rov/Info/Nov2020/Pages/Nov2020Info.aspx)

California Fair Political Practices Commission (FPPC): [fppc.ca.gov](https://www.fppc.ca.gov)

This site details all required filing information and election regulations for California elections. It provides resources for candidates and committees, including rules, helpful web links, and video tutorials.

Candidate Toolkit: [fppc.ca.gov/learn/campaign-rules/candidate-toolkit-getting-started.html](https://www.fppc.ca.gov/learn/campaign-rules/candidate-toolkit-getting-started.html)

City of Campbell

November 6, 2018 Election: ci.campbell.ca.us/930/November-6-2018-General-Election-Information

Transition to district elections: ci.campbell.ca.us/978/Transition-to-District-Based-Elections

Town of Los Gatos

November 6, 2018 Election: losgatosca.gov/15/Election-Voter-Information

2018 Candidate's Guide: losgatosca.gov/DocumentCenter/View/21168/Candidate-Guide

City of Monte Sereno

City website for future election postings: <http://montesereno.org> Candidate handbook available from City Clerk upon request.

City of Saratoga

Election information for candidates: <https://www.saratoga.ca.us/421/Elections>

Santa Clara County School Boards Association

The SCC School Board Association plans to hold their Candidate Information Workshop on a Saturday in early June of 2020 for those interested in running for school board.

6. Upcoming Election Changes

6.1 Voters Choice Act for Nov. 2020 election

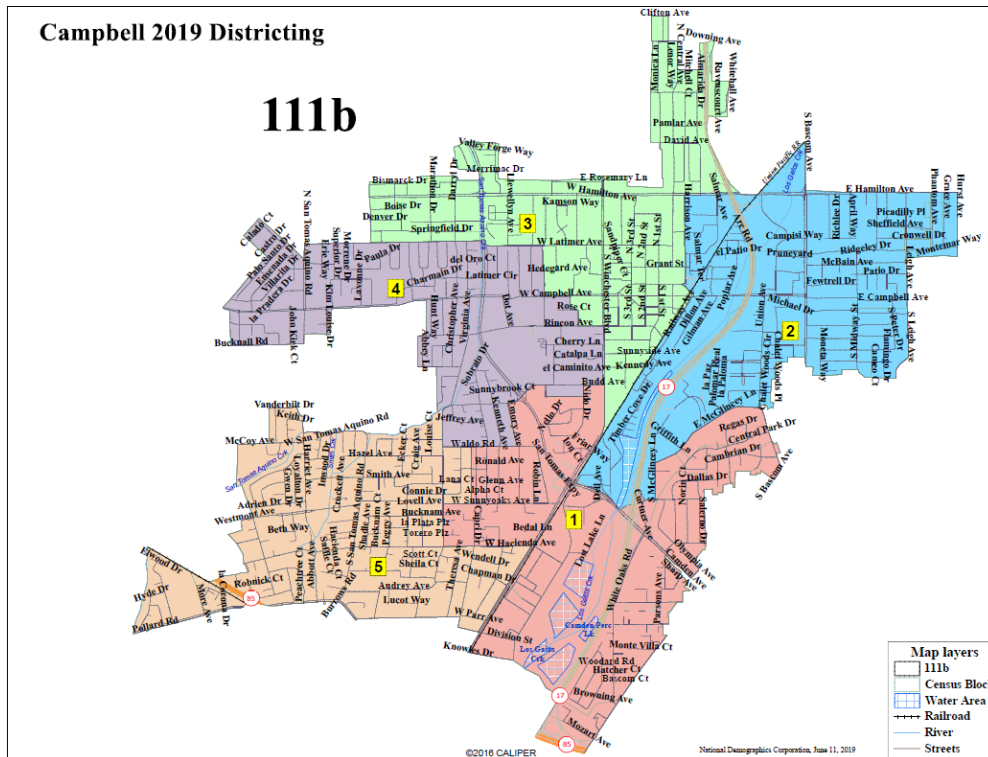
In 2020 the Voter's Choice Act (VCA) will enable the Santa Clara County Registrar of Voters to join five other California counties, including San Mateo, that successfully piloted the program in 2018 to offer voters more voting conveniences. Los Angeles and Orange Counties also plan to implement this new voting law for 2020. Implementation of the VCA in Santa Clara County will take effect beginning with the Presidential Primary Election, March 2020. This new model of voting means that all voters will be mailed a ballot prior to Election Day. After marking their ballot, voters will have the choice of returning their postage pre-paid ballot by mail, or dropping their ballot in a ballot drop box anywhere throughout the county, or visiting any Vote Center within the county.

Vote Centers will replace traditional polling places to offer an array of services, such as: receiving a replacement ballot, receiving assistance or voting materials in multiple languages; voting using an accessible voting machine; dropping off a vote-by-mail ballot; registering to vote with same day voting available; or updating a voter registration. Vote Centers also allow a voter to cast their ballot at whichever county location is most convenient to them, meaning there is no longer a wrong place to vote, which has the added benefit of reducing the number of provisional ballots issued and cast.

6.2 District Elections

The City of Campbell has changed the way that City Council members are elected. Previously, all five Councilmembers were elected at-large, meaning that all registered voters who lived in the City of Campbell had the opportunity to vote for all five City Council positions. Under the new district-based election system all five Council members will be elected by district, this means that Council members will be required to live in the district they represent and will be elected only by the registered voters of that district. The sequencing of the district elections has been determined and, in the November 2020,

General Election seats for districts one and two will be on the ballot; in November of 2022 the seats for districts three, four and five will be on the ballot. The final adopted map with all five of the district boundaries is shown below.



Many cities in California and in Santa Clara County are abandoning at-large election and adopting district elections as a result of the California Voting Rights Act. This 2002 Act prohibits the use of an at-large election in political subdivisions if it would impair the ability of a protected class to elect candidates of its choice or otherwise influence the outcome of an election. The law thus requires local governments to change from at-large to district elections if minority groups can prove racially polarized voting, or that certain racial or ethnic groups have historically voted as a bloc to elect preferred candidates. A voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the California Voting Rights Act, and, if the voter prevails, he or she may be awarded reasonable litigation costs and attorney's fees.

The criteria to guide the establishment of electoral districts and their boundaries are:

- Each Council District shall contain a nearly equal number of inhabitants;
- Council District borders shall be drawn in a manner that complies with the Federal Voting Rights Act;
- Council districts shall consist of contiguous territory in as compact form as possible;
- Council districts shall respect communities of interest as much as possible;
- Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible.

Other cities in Santa Clara County that have adopted district elections are Morgan Hill, San Jose, Santa Clara, and Sunnyvale. In Campbell's case, the City received a letter from a law firm on December 3, 2018 alleging that the current at-large method of election violates the California Voting Rights Act. On January 15, 2019, the City Council considered transitioning to district-based elections. At this meeting, Council unanimously adopted a resolution of intent to transition from at-large to district-based elections pursuant to California Elections Code Section 10010(e)(2). The law provides that the City must adopt an ordinance implementing district-based elections within 90 days but allows for a 90-day extension, which the City was granted.

7. Summary of California Election Reporting Requirements

California state laws regulate campaign contribution and expenditure reporting through the Fair Political Practices Commission (FPPC). All candidates for public office must file candidate information and campaign disclosure reports during the course of the election, including a statement of economic interests (Form 700). Candidates who raise or spend less than \$2000 may file a short report (Form 470), whereas those who raise or spend \$2000 or more must file a more detailed report (Form 460). Form 460 reports must identify the name, address, occupation, and amount of all contributions cumulatively of \$100 or more from a single source. It also must detail all campaign expenditures of \$100 or more by category, as well as list campaign loans and in-kind contributions. Contributions of \$100 or more in cash, money orders, traveler's check or cashier's check are forbidden. A Form 496/497 must be filed within 24 hours of an expenditure/contribution greater than \$1,000 between Aug. 5 and Election Day for the November 2020 election. Advantages of using a service to enable electronic filing and posting of FPPC forms, as the Town of Los Gatos has done since the 2016 elections, are the convenience to voters to easily access candidate contribution and spending records online and the convenience to candidates to conveniently complete the required forms online.

8. Local Election Regulations in Cities within Santa Clara County

California state law authorizes cities to enact additional election requirements as long as they do not conflict with or prevent compliance with the California Political Reform Act. The Act, which is implemented by the FPPC, specifies the content and timing of candidate campaign statement filings for local office. Additional requirements can take the form of disclosure/disclaimer obligations, reporting requirements and other aspects of campaigning. A summary of key local city regulations and practices relevant to city council candidates and voters is given in Table V for the cities in our area and in Table VI for the other cities in Santa Clara County (SCC).

Local election regulations may include rules on maximum donor contribution limits, voluntary expenditure limits (VEL), term limits, and disclosure of top donors in campaign advertisements. Six SCC cities have voluntary expenditure limits (see Table VI). However, our local area cities do not have such limits. Some cities also provide special benefits to candidates to encourage the adoption of voluntary spending limits. For example, in Mountain View candidates who accept voluntary expenditure limits and pay

an initial \$500 will receive from the city payment of the balance of the approximately \$2,000 cost of the candidate statement printing in the Voter Information Pamphlet. This policy appears to have proven an effective incentive for Mountain View city council candidates to limit campaign spending. For example, all city council candidates accepted the voluntary expenditure limits in the 2016 election. As another indication of the effectiveness of voluntary expenditure limits in Mountain View, the total expenditures for the 6 council candidates in the 2018 election was below or within \$1,000 of the \$25,539 limit, with the average spent per candidate being \$20,985. Another approach used by Palo Alto and Sunnyvale is to waive the filing fee or pay a portion of the candidate statement if a certain number of registered voter signatures are collected. This approach has the advantage of encouraging grass roots interactions of candidates with voters. Mountain View also has enacted a law requiring the top 5 contributors to be identified in campaign advertisements. For small print ads (≤ 20 sq. in.), only the top 3 contributors of $\geq \$2500$ are required to be listed.

In the area of campaign contribution limits, state and federal law allow cities to limit the maximum total contribution an individual, business, or committee can give to a candidate. As seen from Table V no cities in our area currently impose limits on contributions. For other cities in Santa Clara County, 4 have contribution limits for their city council races (Table VI). The limits range from \$250 (Milpitas) to \$700 (Gilroy) for a single donor. These limits do not apply to the candidates' own contributions. In the city of Santa Clara, the size of the contribution limit is larger if voluntary expenditure limits are accepted. For example, in the November 2018 election the limit was \$590 per donor if voluntary expenditure limits were accepted, and \$290 otherwise. Most cities adjust the contribution limits for inflation in subsequent election years.

Table V. SWSCV League area: City council election regulations

<i>City</i>	<i>Maximum contribution limits</i>	<i>Voluntary expenditure limits</i>	<i>Term limits¹</i>	<i>Election finance reports posted²</i>	<i>Candidate Handbook</i>	<i>Anticipated 2020 election procedure for city council candidates</i>
Campbell	No	No	Two 4-yr. terms ³	No	Info. page	City will transition to district-based elections.
Los Gatos	No	No	No ⁴	Yes	Yes	At-large elections. Electronic filing of forms.
Monte Sereno	No	No	Two 4-yr. terms ⁵	No	Yes	At-large elections.
Saratoga	No	No	Voluntary ⁶	No	Info. page	At-large elections.

¹ "Term limits" refers to the number of consecutive terms an officeholder may serve in that office.

² Yes means council candidate campaign finance statements (Forms 460, 470, etc.) are available on the city website. For other cities the City Clerk will provide campaign finance reports on request.

³ Eligible for re-election or appointment after 22 months have elapsed since last served in that office.

⁴ Term limits are under consideration by the Los Gatos Town Council. In a separate action a group has planned to circulate a petition requiring a November 2020 vote on term limits.

⁵ Eligible for re-election or appointment after 2 years have elapsed since last served in that office.

⁶ Saratoga voters passed an advisory measure for a two 4-yr. term limit for city council members in 1992. However, the measure is nonbinding.

Term limits for city council have been adopted by many local cities. As seen in Tables V and VI, Campbell, Monte Sereno, and 9 other cities impose a limit of two consecutive 4-year terms for city council office. In addition, Saratoga has a voluntary resolution stipulating a 2-term limit. Term-limited councilors can again become a member of council by reappointment or candidacy after a waiting period, typical 1 to 2 years. The Town of Los Gatos is currently considering term limits and a group has proposed collecting signatures to put the question on the November 2020 ballot. One concern that has been expressed for cities with a small population, such as Monte Sereno (population 3,540), is that it can be difficult to find qualified candidates willing to serve.

Table VI. Election regulations for other cities in Santa Clara County

<i>City (population¹)</i>	<i>Maximum contribution limits</i>	<i>Voluntary expenditure limit (VEL)</i>	<i>Term limits²</i>	<i>Election finance posting³</i>	<i>Candidate handbook</i>	<i>Other election regulations or services</i>
Cupertino (60,170)	No	Yes, \$29,000	Two 4-yr. terms	Yes	Yes, on web	Voluntary expenditure limit acceptance denoted.
Gilroy (58,756)	\$750	Yes, \$1/resident	No	Yes	No, when file	Voluntary expenditure limit acceptance denoted.
Los Altos (30,531)	No	No	Two 4-yr. terms	No	No	
Los Altos Hills (8,559)	No	No	Two 4-yr. terms	Yes	No	
Milpitas (80,430)	\$250	No	Three 4- yr. terms	Yes	Yes, on web	
Morgan Hill (45,135)	No	No	No	Yes	Yes, on web	District elections for city council.
Mountain View (83,377)	No	Yes, \$25,539 ⁴	Two 4-yr. terms	Yes	Four page candidate guide on web	If VEL accepted city pays balance of candidate statement cost after initial \$500. Must disclose top \$2,500 contributors in ads
Palo Alto (66,666)	No	Yes, \$14,000	Two 4-yr. terms	Yes	Yes, on web	\$25 filing fee waived if 100 signatures on petition.
San Jose (1,030,119)	\$600	Yes, \$1.25 per resident in district	Two 4-yr. terms	Yes	Yes, on web	District elections for city council.
Santa Clara (129,488)	\$290 \$590 with VEL	Yes, \$40,500 ⁵	Two 4-yr. terms	Yes	Yes, on web	District elections for city council. City pays half of candidate statement cost if VEL accepted.
Sunnyvale (153,185)	No	No	Two 4-yr. terms	Yes	Four page candidate guide on web	District elections for city council to begin in 2020. Candidate statement paid by city if 250 signatures collected on petition.

¹ U.S. Census Bureau, 7/1/2018 estimate, www.citypopulation.de/en/usa/california/06085__santa_clara/

² Consecutive terms.

³ Campaign finance statements (Forms 460, etc.) available online on city website.

⁴ 2018 limit. The VEL increases by 3% per year.

⁵ 2018 limit. VEL is indexed to San Francisco Bay Area CPI.

While term limits have been largely accepted for the office of city councilor, there has been little discussion or movement to term limits for school boards.

9. Local Election Practices

One notable difference between the cities in our local area and other cities in Santa Clara County is the practice of posting campaign filing reports on the city website. As seen in Tables V and VI, for 10 out of the 11 nearby cities, the candidates' campaign contribution and spending reports are posted electronically with a convenient link from the city's website. In contrast, only 1 of the 4 cities in our local area (Los Gatos) posted campaign reports in 2018, and this is an increase from zero for the 2016 election. Among the various State-required filings, the posting of Form 460 is particularly important from a transparency perspective. Form 460 provides a convenient snapshot of the total contributions or expenditures above \$2000 as well as detailed information on the contributions, loans, and expenditures, with donor name, address, occupation, amount, and date listed. Thus, one can quickly see if unusually large amounts of money are being raised or spent, identify any special interests making large contributions, and, if so, know the sources and uses of the funds. Electronic filing and posting is usually handled by cities through a business contract for the service and thus entails a cost to the city.

While, by law, the Form 460 campaign finance reports are always available from the city clerk's office their ease of access between online posting and having to make a request provides an impediment to campaign finance transparency. From both a voter's and candidate's perspective, there is a significant advantage to being able to easily access candidate disclosure information on the web at any time, in contrast to having to call, email, or go into the city clerk's office during office hours. We suggest that if cost is an issue a simple, low-cost approach to having the reports available online would be to scan and post them as downloadable files on the city website. While a majority of voters may not wish to review the reports, we believe the easy availability of the reports helps to ensure transparency and voter awareness. One feels an increased confidence, for example if concerns arise, that one can quickly and easily check out a candidate's campaign finance reports. In light of these considerations we suggest that the posting of campaign reports on a city's website is a best practice that should be adopted by all our local cities.

One other notable practice is providing candidate handbooks to those considering a run for local elected office. As seen in Table III and VI two of the four cities in our area provide a detailed handbook. Six other cities in Santa Clara County also provide a detailed handbook on the web, with two other cities providing abbreviated 4-page guides. For someone considering a first run for election these handbooks can be a great help in deciding on and navigating the nuts and bolts of campaign requirements. We believe such handbooks provide an important service to potential candidates in one's community.

The widespread uses of the World Wide Web and the increase in popularity of social media have significantly influenced campaign strategies for the way election funds are raised and spent. At the local level one may anticipate an increasing impact on elections,

with a need for candidates to carefully balance expenditures for traditional campaign literature printing and mailing with the use of candidate websites and social media as important ways to reach voters and get out the vote. The ability to track the number of “looks” on a candidate’s website and social media page and, for example, to correlate “looks” with social media posts and use of Facebook or of other media’s “push” posts, have given candidates new tools to fine tune their campaigns. Some candidates have suggested that social media is a more cost effective method of reaching voters than traditional campaign websites, and that the use of social media may even be a deciding factor in election victory in some cases. Thus, while personal contact through door knocking, literature drops, candidate forums, and information posting on websites will remain essential features of communication to voters, the use of social media is increasingly seen to provide important leverage for campaigns.

10. Major Findings

- **We encourage our cities to post on their websites detailed candidate guidelines with links to sources of useful candidate information.** Potential candidates do not always have the information needed to launch an effective campaign and may be intimidated by the election process. Many city clerks’ offices in Santa Clara County, including Los Gatos and Monte Sereno, provide a detailed package of guidelines for potential candidates. In some best practice cases we observed such candidate handbooks posted on the web along with links to FPPC guidelines, YouTube training videos, candidate training workshops, and other sources of nuts-and-bolts information on where to obtain additional help. Lowering the barrier for our city’s leading citizens to become candidates encourages participation and is in everyone’s interest.
- **We encourage our cities to post more information during election season on their city website regarding candidates running for city council positions.** For example, the candidate statement, links to the candidate’s web page, the location and date of upcoming candidate forums, the League of Women Voters “Voter’s Edge” website, etc. could be posted as trusted sources of unbiased information for voters. Other forms of social media might also be considered by cities as additional means of promoting citizen awareness and participation in city elections.
- **We recommend that our cities have their city council candidate campaign reports (Form 460, 470, 497, etc.) posted on their city website.** Currently the method by which voters are able to view candidate contribution and expenditure reports is different among the four cities in our area and only Los Gatos has the reports available on their website. Possible approaches range from utilizing available filing services to scanning and posting the reports by hand. We note that 10 of the 11 nearby cities make this information available online, providing greater transparency in the election process.
- **We suggest that city councils consider bearing a portion of the candidate statement cost, currently about \$1,500 for 200 words (\$2,600 in Saratoga where 400 words are used), for the Voter Information Pamphlet mailed to all voters.**

The importance of the candidate statement in the sample ballot is that voters often perceive a lack of seriousness or effort on the candidate's part if the statement is missing, whereas in reality this expense at the outset of filing for office can be a serious cost consideration for low budget campaigns and an impediment to prospective candidates. We consider as a best practice the approach taken in Campbell of sharing the candidate statement fee where, for example, the candidate pays a \$300 filing fee and the city pays the balance of the cost so that all candidate statements are printed. These practices could encourage participation of qualified candidates with limited resources in our local elections and provides voters with useful information for all candidates.

- **We encourage our cities to discuss the relative merits of voluntary spending limits and/or (non-family) campaign donation limits** from the perspective of limiting outside influence in cases of extreme campaign finance spending. Voluntary spending limits might be combined with paying a portion of the candidate's statement fee (typically \$1500 to \$1600 for 200 words) in the Voter Information Pamphlet. We consider as a best practice the approach taken in Mountain View, where after an initial \$500 payment the city pays the balance of the candidate's statement fee if the candidate accepts the city's voluntary spending limits.
- **We encourage our school boards to consider sharing a fraction of the cost of the candidate statement fee (\$1,600 to \$3,400) to encourage qualified candidate participation in school board elections.** The high cost to place the candidate statement in the Voter Information Pamphlet may be an impediment for some highly qualified candidates, who might otherwise run for local school board elections. Each district's governing board determines whether the district or the candidate will bear the cost of the statement. Since local school boards are a fundamental aspect of our democratic process and often the first step to higher public office, we encourage our local school boards to consider bearing a part of the cost of candidate statements to encourage qualified candidate participation in school board elections and to get the candidate's statement out to the voters.
- **We encourage our city councils and school boards to discuss and consider the merits of term limits in order to bring forth new candidates and ideas.** After a sufficiently long period of service, for example after three consecutive 4-yr. terms (12 years), such limits would encourage participation in government at the local level and could provide an increased source of local community leaders who might run for higher office

11. Concluding Remarks

We encourage our League members, community members and the leadership of our local cities and school boards to discuss, debate, and consider the major findings of this study. As a nonpartisan political organization, the League of Women Voters encourages informed and active participation in government. It is our hope that this study will help in that effort.

We also would like to encourage candidates and voters to take advantage of the *Voters' Edge California* website, <http://votersedge.org/ca>, during election season. This website is hosted by the League of Women Voters of California Education Fund and by MapLight. Voters' Edge California neither supports nor opposes political parties, ballot measures, or candidates for public office. Rather, it provides a source of information on candidates and measures prior to the election. Candidates are invited to post information on themselves and their goals; League members approve the materials prior to posting. By entering a zip code you can review the information for all candidates and measures in your area, and by entering your street address you can view your sample ballot.

Finally, we would like to express our heartfelt appreciation to the city clerks and others who contributed their time to help us in the study and to the League members who encouraged and supported this study.

References

1. Contact League of Women Voters SWSCV at:

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Twitter: [lwv_swscv](https://twitter.com/lwv_swscv)

Instagram: [lwv.swscv](https://www.instagram.com/lwv.swscv)

2. The previous Local Election Finance Study, issued in 2017 after the 2016 elections, can be found at: https://my.lwv.org/sites/default/files/leagues/wysiwyg/%5Bcurrent-user%3Aog-user-node%3A1%3Atitle%5D/local_election_finance_study.pdf

Appendix A.

League of Women Voters Southwest Santa Clara Valley 2019 Local Election Finance Study

Questions asked to City Clerks

Our League provided city officials with a Local Election Finance Study report for the Campbell/Los Gatos/Monte Sereno/Saratoga area after the 2016 election. Our objective was to provide useful information and to encourage practices that would increase transparency and participation in our local elections. Our League is now doing an update to the study that will include the 2018 election results and changes that have taken place since our previous League study. We are asking each city/town the following questions as part of our updated study.

1. Are candidate contribution and expenditure forms (Form 460, etc.) available online from your city's website?
2. Do you post the candidate statements online on your city's website?
3. Do you post candidate forum notices on your city's website?
4. What is the filing fee to run for a city council seat?
5. What is the cost of the candidate statement for your city? Does the city support part of the cost of the statement, and if so how much and what are the associated requirements?
6. Are there maximum contribution limits, voluntary expenditure limits, or term limits for your city council elections?
7. Do you have guidelines for potential candidates available online? Do you offer training or other orientation to candidates running for office?
8. What changes did your city make between the 2016 and 2018 elections in the election rules, information provided voters, or support and guidance for candidates?
9. Did our League's study have impact on any city or city officials' actions regarding the election processes? Are there any activities currently in process regarding your city's election rules or processes?
10. Do you have suggestions or recommendations for what the League should add to its Local Election Finance report as part of our study update?
11. Is there anything else you would like us to know regarding your city's elections?