



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price

SUBJECT: ELECTIONS COMMISSION
COMPLAINT FILING FEE

DATE: May 14, 2009

RECOMMENDATION

Amend the 2009-2010 Proposed Fees and Charges Report to eliminate the Elections Commission Complaint Filing Fee of \$100 per complaint as a Category II fee in the City Clerk's Office.

BACKGROUND

The City Clerk proposed a fee of \$100 per complaint for the filing of complaints with the San José Elections Commission. The new fee is outlined in the 2009-2010 Proposed Fees and Charges Report. The City Clerk requested input from the San José Elections Commission at its regular meeting of May 13, 2009.

ANALYSIS

At the May 13, 2009 meeting, the Commission unanimously voted *not* to support the adoption of a filing fee because it could become a deterrent to the filing of a valid complaint alleging a violation or violations of Title 12 of the San José Municipal Code that is worthy of evaluation. The Commission also expressed a concern that the fee would generate very little revenue and be difficult to administer.

COORDINATION

This matter was coordinated with the City Attorney's Office, the San José Elections Commission, and the City Manager's Budget Office.

Lee Price, MMC
City Clerk