

San Jose Spotlight

Should San Jose appoint councilmembers or hold a special election?



Jana Kadah | 11-28-2022 4:03 PM



Two seats will soon be vacant on the San Jose City Council—and those in power are debating how to fill them.

Matt Mahan, who represents District 10, is leaving the seat after [winning his bid for San Jose mayor](#). District 8 Councilmember Sylvia Arenas is also leaving her post after [winning the District 1 Santa Clara County supervisor seat](#). Both have different thoughts on how their replacements should be selected.

The council can either fill the vacancies through permanent appointment, a special election or by picking an interim appointment while the special election is taking place. Officials will start the discussions next week and [make a decision by Dec. 18](#). Replacements won't serve until next year.

Appointing new members could save the council time and money, but at the cost of resident input. A special election costs about \$7 million to \$10 million and allows residents to be involved in the process, but the earliest the seat could be filled is May, according to city

documents. The city has historically held special elections to fill vacancies, according to Toni Taber, the city clerk.

Mahan said a special election is the best option for residents. He put out a petition calling for a special election over the weekend, sponsored by Solutions Silicon Valley—a special interest group that supported him in the mayoral race—that has garnered more than 1,000 signatures, according to the mayor-elect.

“If Districts 8 and 10 are not filled by seats that are elected by a popular vote, you’re just less likely to have councilmembers who are truly responsive to the community and understand the needs of the community,” Mahan said. “(Doing) the hard work of democracy—going out there and knocking on doors, participating in forums and putting forward their ideas and truly competing in the public arena, is what gives us the best outcomes.”



Alexandra Akinson of Let Me Vote SJ supports a special election process. Photo by Jana Kadah.

But Arenas said the council should appoint new members quickly to save time and money. She said having a district without representation will only hurt constituents. The Santa Clara County Democratic Party and Bob Nuñez, president of the San Jose/Silicon Valley NAACP, agree—noting the cost is too high and voter turnout for special elections is historically low at about 20% to 30%.

“I believe it’s vitally important that District 8 residents continue to have a strong voice on the city council without interruption,” Arenas told San José Spotlight. “The council must begin working quickly to fill this anticipated vacancy.”

Longtime District 8 leader Pat Waite, president of Citizens for Fiscal Responsibility, said he’d rather have a special election.

“I have a big problem with 11 people deciding who should lead District 8 instead of 10,000 people,” Waite told San José Spotlight. “Especially when only one of those 11 people lives in District 8.”

At a Monday news conference, Mahan spoke alongside [District 7 Councilmember-elect Bien Doan](#), former councilmember and Assemblymember Kansen Chu, leaders from the Sikh and Vietnamese communities and a grassroots advocacy group called Let Me Vote SJ. They worry council appointments will result in representatives who are not accountable to the people and backed by special interests.

“How can elected officials in a democracy consider preventing voters from voting for their representatives,” said Alexandra Akinson, who leads Let Me Vote SJ. “Having elections is fundamental to our form of government, regardless of the cost, turnout or any other factors.” While Mahan and Arenas have taken positions, not everyone on the council has decided. Councilmember David Cohen said he sees the pros and cons with both routes.

“My two decades of experience in governance have taught me that we need to have these conversations with an open mind and armed with data and analysis,” Cohen told San José Spotlight. “My goal is to do what is best for our city and to work together to find the best solution.”

The replacements for Districts 8 and 10 will serve two years before facing reelection in 2024—when their terms are up. Mahan will also have to fight for his seat again in two years because voters [approved a measure](#) in June to [move San Jose’s mayoral elections to presidential years](#). Taber, the city clerk, said the council will discuss options at least two times before making its final decision on Dec. 18. The first meeting is tentatively scheduled for Dec. 5 at 5 p.m.

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