



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni Taber, CMC
City Clerk

SUBJECT: BALLOT MEASURE COSTS

DATE: July 21, 2016

SUPPLEMENTAL

The following breakdown is designed to give the Council an idea of what the costs of one additional ballot measure would be. The amounts are based on the current estimates provided by the Registrar of Voters and are subject to change. Because this is not the first citywide initiative for the General Municipal Election, the cost is estimated at \$425,834.

COST SUMMARY/IMPLICATIONS

In adopting a resolution calling a special election for a ballot measure, the Council may consider certain options which affect the cost of the election. The City of San José consolidates with the Santa Clara County Registrar of Voters for its elections. For a second measure, the estimated total cost of the ballot measure will be approximately \$425,834. This includes the costs for the City Attorney's Impartial Analysis, arguments for and against the measure, rebuttal arguments, and the full text of the measure. A breakdown of the costs is detailed below:

Item	Measure
Base Cost	\$228,164
Impartial Analysis (one page)	\$17,970
Arguments (one page per argument)	\$35,940
Rebuttals (one page per argument)--optional	\$35,940
Full Text (6 pages estimate)—optional (\$17,970 if not including full text)	\$107,820
Total Cost Measure	\$425,834

The City Council has appropriated \$1,100,000 of the General Fund for election costs in 2016-2017 (Appropriation 3955 – Elections and Ballot Measures) assuming the Registrar of Voter's estimated City costs for the November 8, 2016 election for three council districts (2, 6, and 8) including one ballot measure is \$1,002,662.

Additionally, the City Council's decisions pertaining to the inclusion of rebuttal arguments and/or the full measure text in sample ballots can offer significant cost savings.

IMPARTIAL ANALYSIS:

Under Elections Code Section 9280, the City Attorney “shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.” The Impartial Analysis appears preceding the arguments for and against the measure in the voter’s handbook and is limited to 500 words. The cost for this one page analysis is estimated at \$17,970 per page. The deadline to submit the Impartial Analysis to the City Clerk is 12:00 Noon, Tuesday, August 23, 2016.

BALLOT ARGUMENTS:

Arguments for and against a ballot measure may be submitted that are 300 words or less (Elections Code Section 9282). The deadline to submit ballot arguments to the City Clerk is 12:00 Noon, Wednesday, August 17, 2016. Only one argument for and one argument against will be printed in the Sample Ballot. A ballot argument must be accompanied by the printed name and signature or printed names and signatures of the author or authors submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. In addition, no more than five signatures will appear with any argument. In case any argument is signed by more than five authors, the signatures of the first five shall be printed. (Elections Code Section 9283.)

If more than one argument for or against is submitted, the Elections Code establishes a priority order, shown below (Elections Code Sections 9282 and 9287):

1. The legislative body, or member or members of the legislative body authorized by that body.
2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
3. Bona fide associations of citizens.
4. Individual voters who are eligible to vote on the measure.

The ballot arguments are generally one page per side, two pages total, and the estimated cost is \$17,970 per page per measure or a total of \$35,940 for two arguments.

REBUTTAL ARGUMENTS:

In addition, the Council has the discretion to permit rebuttals to arguments to be printed in the Sample Ballot. Rebuttal arguments must be 250 words or less. (Elections Code Section 9285). The Council determined not to allow rebuttal arguments for Measure E—Cardroom Gaming in the November 2012 election, nor did they allow rebuttal arguments for Measure G—Employee Retirement Boards Governance Structure and costs were reduced accordingly. The Council, however, did permit rebuttal arguments for Measure B—tax measure in the June 2016 election, and for Measure C—Marijuana Initiative in the June 2016 election.

If the Council chooses to permit rebuttals to arguments, the deadline to submit rebuttal arguments to the City Clerk is 12:00 Noon, Tuesday, August 23, 2016. The City Clerk will send a copy of an argument in favor of the measure to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments. The author or a majority of the authors of an argument relating to a measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument, but no more than five persons may sign the rebuttal. (Elections Code Sections 9285 and 9283.)

Rebuttal arguments are generally one page for each side, two pages, at a cost of \$17,970 per page per measure or a total of \$35,940 for two rebuttals.

FULL MEASURE TEXT IN THE SAMPLE BALLOT:

In order to reduce elections costs, over the past few years, the City Council has decided not to include the full text of ballot measures in the sample ballot. Alternatively, the full text of the measure(s) is available on the City's web page in multiple languages or is provided to any person upon request to the City Clerk. The City Attorney's Impartial Analysis would include the following statement:

“If you would like to read the full text of the measure, see www.sanjoseca.gov/clerk or call (408) 535-1260 and a copy will be sent at no cost to you.” The City Clerk will send, without charge, a copy of the full text of any or all City measures to any person requesting a copy.

The full text of the measure is estimated to take 6 pages, at a cost of \$107,820. The cost would be reduced \$89,850 by not including the full text.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the August 2, 2016 Council Meeting.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

CEQA

Not a Project, File No. PP10-069(c), Potential actions under Election Code §9215, in response to voter-sponsored initiative.

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A handwritten signature in blue ink, appearing to read "Toni J. Taber". The signature is stylized and cursive.

Toni J. Taber, CMC
City Clerk

For questions please contact Toni Taber, City Clerk, at (408) 535-1270.