CITY OF SAN JOSÉ
CAPITAL OF SILICON VALLEY

Memorandum

TO:	HONORABLE MAYOR AND CITY COUNCIL	**FROM:**	Toni Taber, CMC City Clerk
SUBJECT:	**Ballot Measure Costs**	**DATE:**	August 9, 2018

SUPPLEMENTAL

The following breakdown is designed to give the Council an idea of what the costs of ballot measures would be. The amounts are based on the current estimates provided by the Registrar of Voters and are subject to change. The "First" measure on the ballot will bear a larger cost of the Citywide printing costs. For this purpose, we have included the Disaster Preparedness, Public Safety and Infrastructure Bond as the first for consistency as the General Obligation Bond previously included estimates for being the "first" measure.

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 Josè consolidates with the Santa Clara County Registrar of Voters for its elections. The estimated total cost of the first ballot measure (Disaster Preparedness, Public Safety, and Infrastructure Bond) will be approximately $1,195,074. This includes the costs for the Text of Measure, two Tax Rate Statement pages, City Attorney's Impartial Analysis, arguments for and against the measure, rebuttal arguments. A breakdown of the costs is detailed below:

Item: Disaster Preparedness, Public Safety, and Infrastructure Bond	**Measure**
Base Cost	$1,032,000
Text of Measure (one page)	$22,195
Tax Rate Statement (two pages)	$44,390
Impartial Analysis (one page)	$20,335
Arguments (one page per argument)	$38,518
Rebuttals (one page per argument) - optional	$37,636
Total Cost Measure	**$1,195,074**

The estimated total cost of the second ballot measure (Affordable Housing Bond) will be approximately $537,474. This includes the costs for the Text of Measure, two Tax Rate Statement pages, City Attorney's Impartial Analysis, arguments for and against the measure, rebuttal arguments. A breakdown of the costs is detailed below:

Subject: Bond Measures for Consideration: Disaster Preparedness, Public Safety, and Infrastructure Bond, Affordable Housing Bond, Charter Amendment Procurement, Charter Amendment Council Salaries and Competing Measures.

Item: Affordable Housing Bond	**Measure**
Base Cost	$374,400
Text of Measure (one page)	$22,195
Tax Rate Statement (two pages)	$44,390
Impartial Analysis (one page)	$20,335
Arguments (one page per argument)	$38,518
Rebuttals (one page per argument) - optional	$37,636
Total Cost Measure	**$537,474**

The estimated total cost of the third ballot measure (Charter Amendment Procurement) will be approximately $493,084. This includes the costs for the Text of Measure, City Attorney's Impartial Analysis, arguments for and against the measure, rebuttal arguments. A breakdown of the costs is detailed below:

Item: Charter Amendment Procurement	**Measure**
Base Cost	$374,400
Text of Measure (one page)	$22,195
Impartial Analysis (one page)	$20,335
Arguments (one page per argument)	$38,518
Rebuttals (one page per argument) - optional	$37,636
Total Cost Measure	**$493,084**

The estimated total cost of the fourth ballot measure (Charter Amendment Council Salaries and Competing Measures) will be approximately $493,084. This includes the costs for the Text of Measure, City Attorney's Impartial Analysis, arguments for and against the measure, rebuttal arguments. A breakdown of the costs is detailed below:

Item: Charter Amendment Council Salaries and Competing Measures	**Measure**
Base Cost	$374,400
Text of Measure (one page)	$22,195
Impartial Analysis (one page)	$20,335
Arguments (one page per argument)	$38,518
Rebuttals (one page per argument) - optional	$37,636
Total Cost Measure	**$493,084**

Subject: Bond Measures for Consideration: Disaster Preparedness, Public Safety, and Infrastructure Bond, Affordable Housing Bond, Charter Amendment Procurement, Charter Amendment Council Salaries and Competing Measures.

The total estimated cost for the election will depend on the number of measures the City Council places on the ballot, the information included on the ballot, and the two run-off elections, as outlined below

Election Item	Estimated Costs
Run-off election, Districts 7 & 9	$74,000
Disaster Preparedness, Public Safety, and Infrastructure Bond	$1,195,074
Affordable Housing Bond	$537,474
Charter Amendment Procurement	$493,084
Charter Amendment Council Salaries and Competing Measures	$493,084
Estimated Total	$2,792,816

The City Council has appropriated $1,856,000 of the General Fund for elections costs in 2018-2019 (Appropriation 3955 – Elections and Ballot Measures). In addition, there is a remaining balance of $350,000 in this appropriation from 2017-2018 that will be recommended to be rebudgeted as part of the 2017-2018 Annual Report, which will bring the appropriation to $2,206,000. If necessary, recommended budget actions would be brought forward as part of the 2017-2018 Annual Report to address this funding gap. It is important to note that the election costs are estimates only and will be revised based on the final fee schedule from the County Registrar of Voters and actual registration levels.

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 $20,335 per page. **The deadline to submit the Impartial Analysis to the City Clerk is 12:00 Noon, Tuesday, August 21, 2018.**

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, Tuesday, August 14, 2018**. 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 $19,259 per page per measure or a total of $38,518 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 21, 2018. 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 $18,818 per page per measure or a total of $37,636 for two rebuttals.

FULL MEASURE TEXT IN THE SAMPLE BALLOT:

In order to reduce elections costs, over the past few years, the City Council can decide 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.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the August 10, 2018 Council Meeting.

CEQA

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

Toni J. Taber, CMC
City Clerk

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