



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Toni Taber, CMC  
City Clerk

**SUBJECT:** Ballot Measure Costs

**DATE:** May 24, 2022

**SUPPLEMENTAL**

The following breakdown is designed to give the Council an idea of what the costs of the ballot measures will be. The amounts are based on the current estimates provided by the Registrar of Voters and are subject to change.

**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. The estimated total cost of the first ballot measure will be approximately \$617,676. This includes the base cost, plus printing costs for the Text of Measure, City Attorney’s Impartial Analysis, arguments for and against the measure, rebuttal arguments. Each subsequent ballot measure is estimated to cost an additional \$617,718 for a six page measure. The per page breakdown is as follows:

Item	Cost in 2020
Text of Measure (one page)	\$21,681
Impartial Analysis (one page)-500 word page	\$19,108
Arguments (one page per argument) -300 word page	\$35,200
Rebuttals (one page per argument) – optional – 250 word page	\$33,924

**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 \$19,108.

May 24, 2022

**Subject: Supplemental ballot measure costs**

## **BALLOT ARGUMENTS:**

Arguments for and against a ballot measure may be submitted that are 300 words or less (Elections Code Section 9282). 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 a total of \$35,200 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 B—Mayoral Elections in June 2022, nor did they allow rebuttals 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 all Measures in the November 2018 election.

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 \$33,924 for two rebuttals.

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**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 [[Specific website address](#)] or call (408) 535-1260 or email [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) 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.

/signed

Toni J. Taber, CMC  
City Clerk

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