



## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Raul Peralez

**SUBJECT:** Charter Amendment  
for Competing Ballot Measures

**DATE:** August 6, 2018

Approved by:

Date: 8/6/18

### RECOMMENDATION

Require that the City Council have a supermajority or two-thirds vote before placing any competing measure on the ballot.

### DISCUSSION

Throughout our history, many laws have been created or overturned through the power of people and their votes. Community-led ballot measures, have been the backbone and strength of people creating just laws that can best serve society. Unfortunately, we have also seen rare moments of abuse in this process, done so without a mechanism in place to provide the voters with options.

In the State of California, local governments are allowed to place competing measures on voter ballots to use as a tool when an initiative does not provide the best public benefit. The City of San José, being in the minority, is unable to do so. As ballot measures are an important tool for the community to use, it is equally important that as the community's elected representatives, our Council have the same tools to use under extraordinary circumstances.

However, as stewards of the voters, we also must remain vigilant in safeguarding their rights at the ballot box. A supermajority vote (or two-thirds vote) for any competing ballot measure the Council considers, would provide the appropriate checks and balance, ensuring that the Council generates an informed decision when moving an initiative forward and doing so while protecting the rights of voters.