COUNCIL AGENDA: 08-05-08
ITEM: 3.7

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Debra Figone

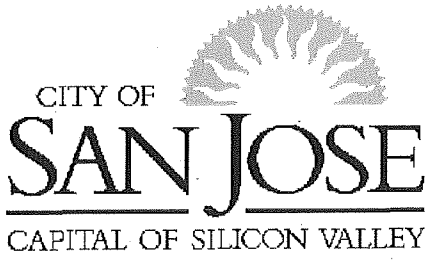
SUBJECT: **Proposed Ballot Measures- Consultant's Report**

DATE: July 31, 2008

REASON FOR SUPPLEMENTAL

Attached is the report prepared by Fairbank, Maslin, Maulin & Associates (FMMA) titled "City of San José 2008 Ballot Measure Refinement Survey- Report of Survey Results." This report provides interpretation of the survey results distributed to Council in a July 25 memorandum regarding Proposed Ballot Measures. A presentation by FMMA on the attached report will also be given to Council at the August 5 meeting.

Debra Figone
City Manager



City of San Jose 2008 Ballot Measure Refinement Survey

Report of Survey Results

August 5, 2008

220-2596

Fairbank, Maslin, Maullin & Associates
Opinion Research & Public Policy Analysis

Santa Monica, CA – Oakland, CA – Madison, WI – Mexico City

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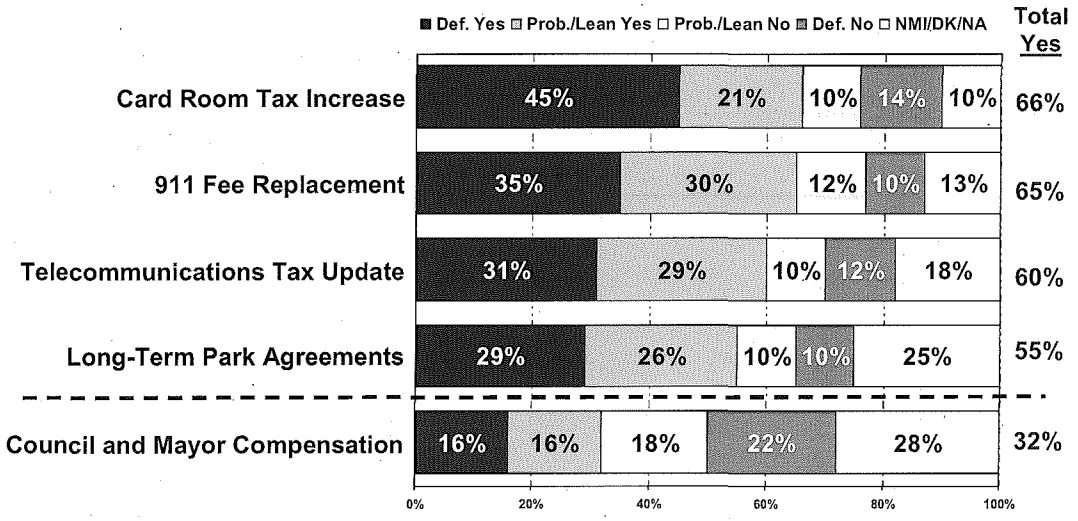
EXECUTIVE SUMMARY

Fairbank, Maslin, Maullin & Associates (FMM&A) recently completed a survey of 804 registered voters in the City of San Jose who are considered likely to cast ballots in the November general election. (This was a follow-up survey to a similar ballot measure assessment survey conducted in June 2008 for the City.) The primary goal of the survey was to assess support for five potential ballot measures to provide data for the City to consider in making a determination about whether to place them on the ballot. This survey followed an earlier feasibility survey our firm conducted in June 2008 to narrow the range of possible ballot measures to be tested.

Survey respondents were presented with draft ballot language for five potential measures that might be placed on the ballot, and their initial levels of support based on that language are shown in **Figure 1** below. Nearly two-thirds of voters back a measure to increase business taxes on card rooms, while somewhat less firm majorities support a measure eliminating the City's existing Emergency Communications Support System (ECSS) fee and replacing it with a new, reduced tax; a measure to reduce and modernize the City's telecommunications users tax; and a charter amendment to authorize the City Council to enter into long-term agreements for the use of certain parks. These three latter measures should stand a reasonably good chance of winning approval, depending on the volume of information that members of the public receive from supporters and opponents of each measure. A fifth measure, a charter amendment to change the way salaries for the Mayor and City Council are determined, does not appear likely to receive majority support.

FIGURE 1:
Initial Support for Ballot Measures Given Draft Ballot Language



At the same time, the survey results showed that voter support for three of the measures (the ECSS fee replacement, the telecommunications users tax modernization, and the charter amendment addressing long-term parks agreements) all showed a certain volatility of support. None of the measures began with more than about one-third of voters saying they would "definitely" vote "yes." And while more information about the

parks measure tended to increase support, support for the other two measures rose after positive arguments but then fell notably after the negative arguments – particularly for the ECSS measure – while still remaining over the majority threshold required for approval. This fluidity of support suggests that the information voters receive in the time before Election Day could significantly impact their support.

Survey respondents were also presented with two comprehensive arguments designed to address all five measures as a package: one which said a "yes" vote on all the measures was merited because together they would be revenue neutral and would ensure stable funding for City services, and a second which said that given the economy and multiple other measures from other jurisdictions on the ballot, voters should only vote "yes" on some of the measures. By a 44 percent to 38 percent margin, voters chose the statement calling for a "no" vote on at least some measures; however, in a follow-up question which asked voters for their final position on each of the five measures individually, none of them showed a significant drop-off in support. These results suggest that while a majority of voters support four of the five measures in the package, they want to reserve the right to oppose one or more of them come November.

The remainder of this report presents these and other results of the survey in more detail.

METHODOLOGY

Between July 15 and 20, 2008, Fairbank, Maslin, Maullin & Associates (FMM&A) conducted a telephone survey of 804 San Jose voters. Survey respondents were randomly selected from a pool of registered voters who, based on their past voting behavior, are considered likely to cast ballots in November 2008. Upon completion of interviewing, the sample was weighted slightly to conform to demographic data on the population of likely voters.

The margin of sampling error for the survey sample as a whole is plus or minus 3.5 percent. The margin of error for smaller subgroups within the sample will be larger. For example, statistics reporting the opinions and attitudes of female voters – who make up 52 percent of the sample – have a margin of sampling error of plus or minus 4.8 percent. Therefore, the smaller the size of the subgroup being analyzed, the more the interpretation of the survey's findings is suggestive rather than definitive and should be treated with a certain caution. Some figures may not add to 100% due to rounding.

Survey questions were developed in consultation with City staff. The survey presented draft ballot language for five potential ballot measures and charter amendments that may be presented to voters in the November election. The order in which the five measures were presented to individual survey respondents was randomized, in order to minimize any bias that might result from the sequence of the questions. One-fifth of all survey respondents were presented with each ballot measure first in the rotation, followed by an open-ended question asking that subgroup of respondents their reason for voting "yes" or "no." At certain places in the report, results among these sub-samples are isolated to highlight differences in reactions among those respondents who were offering a "clean" reaction to each ballot measure, unbiased by descriptions of other measures that may have preceded it.

In order to reduce the length and complexity of the survey for each individual respondent, survey respondents were further randomly divided into two subgroups; one half of the sample was asked a more detailed series of questions about the telecommunications users tax modernization measure, and the other half was asked more detailed questions about the 911 fee reduction and replacement measure. For questions asked of each of these subsamples, the margin of sampling error is plus or minus 4.9 percent.

The topline results of the survey are included at the end of the report in Appendix A. Cross-tabulated results have been presented under separate cover.

At several places in the report, references are made to the results of the ballot measure assessment survey conducted by FMM&A in June of this year. That survey – of 602 likely voters, with a margin of sampling error of plus or minus four percent – asked about some of the same proposed ballot measures, though in a more conceptual fashion.

PART I: SUPPORT FOR INCREASING THE BUSINESS TAX ON CARD ROOMS

One of the potential ballot measures presented to survey respondents would increase the business tax on card room revenues from 13 percent to 18 percent, with revenues dedicated to general City services. The draft ballot language tested for the measure is shown below:

> *"THE SAN JOSE VITAL CITY SERVICES PRESERVATION MEASURE. To help prevent cuts in general City services such as police and fire, street maintenance, parks and libraries, shall an ordinance be adopted to increase the existing business tax on card room revenues from 13 percent to 18 percent, subject to existing annual audits?"*

Survey respondents were also asked about the measure again at the conclusion of the survey, after they had heard more information about the other four measures under consideration as well. Voters' responses to these two questions are shown in **Figure 2** below. Fully two-thirds of voters (67%) support the measure after hearing the initial language while fewer than one-quarter (24%) oppose it. Nearly half of voters initially respond that they would "definitely" vote in favor of the measure, indicating a solid base of support. That support increases further by the end of the survey, where 73 percent indicate that they would vote for the measure, including a 51-percent majority who say they would "definitely" support it.

FIGURE 2:
Support for a Ballot Measure Increasing the Business Tax on Card Rooms

Vote	Ballot Language	Conclusion of Survey	*Change*
Definitely yes	45%	51%	*+6%*
Probably/lean yes	21%	22%	*+1%*
TOTAL YES	**67%**	**73%**	***+6%***
Definitely no	14%	13%	*-1%*
Probably/lean no	10%	10%	*0%*
TOTAL NO	**24%**	**23%**	***-1%***
UNDECIDED	**9%**	**4%**	***-5%***

Based on responses to the intial open-ended question, support for the measure seems to come primarily from two sources: voters who see it as appropriate to tax gambling (35% of initial "yes" voters) and those who like the idea that revenue from the meaure would fund a variety of important City services (30%). Opposition comes primarily from respondents who are opposed to tax increases (39% of initial "no" voters), as well as those who do not trust that the money would be spent effectively, or who believe that the tax will discourage economic growth.

The demographic base of the initial suport for the measure is broad. It receives the backing of at least 60 percent of voters in every major subgroup of the electorate, with

the exception of Republicans who are male or under 50 – but even among those groups, majorities support it. As a general matter, the measure receives somewhat stronger support from Democrats than from Republicans or independents, and from women than from men.

Over the course of the survey, support for the measure rises across the board but somewhat more notably among Republican and independent women, as well as among Asian-Americans. What leads to this increase in support is hard to determine precisely, given that the survey did not test detailed pro or con messages on the measure. However, it may be that the discussion of other revenue-raising measures in the survey – none of which were as favorably received – may have made the increase in taxes on card rooms even more appealing by comparison.

Taken together, the results show that the measure to increase the business tax on card rooms has broad and strong support, and stands a good chance of winning approval if placed on the November ballot.

PART II: SUPPORT FOR REPLACING THE EMERGENCY SERVICES FEE

Survey respondents were presented with the following ballot language for a measure to replace the City's existing Emergency Communications Systems Support (ECSS) fee:

> *"REDUCTION AND REPLACEMENT OF 9-1-1 FEE. Shall an ordinance be adopted to:*
>
> - *Eliminate the one dollar and 75 cent fee per telephone line and replace it with a reduced tax of one dollar and 65 cents, with a proportionally reduced amount for trunk lines, to support essential City services such as police, fire, street maintenance, and libraries;*
> - *Limit annual inflation adjustments to three percent; and*
> - *Continue lifeline exemptions for low-income senior citizen or low-income disabled households,*
>
> *subject to existing annual audits?"*

Half of all respondents were also offered more follow-up information: a basic explanation of the measure (shown below), as well as a series of three arguments in favor of the measure and three arguments opposed to it. All respondents were also asked about the measure a final time – along with the other four proposed measures – at the conclusion of the survey.

> *"The City of San Jose currently charges residents a monthly charge of one dollar and 75 cents per phone line in order to help pay for 9-1-1 emergency dispatch services. Due to a recent court decision, a number of California cities that charge such fees have decided to submit them to voters for approval.*
>
> *"This measure would create a new tax on phone lines to replace the fees customers are currently paying, and would reduce the monthly amount of the tax to one dollar and 65 cents per line, with annual inflation adjustments limited to three percent. If approved, the measure will continue generating 23 million dollars per year for the City, which could be used for vital City services including police, fire, street repair, parks and libraries. If the measure is rejected by voters, the city may have to cut 23 million dollars from existing City services."*

As indicated in **Figure 3** on the following page, a 64-percent majority of voters initially indicate that they would vote for the proposal. This proportion is well over the simple majority that would be required for approval, but only slightly more than half of the "yes" voters say that they would "definitely" vote for the measure. Support is stronger among women (68% "yes") than among men (59%), and stronger among Democrats (65%) and independents (71%) than among Republicans (54%) – though most of this difference is attributable to Republican men, less than half of whom initially support the proposal. Support also tends to decline with household income.

FIGURE 3:
Changes in Support for a Ballot Measure Replacing the Emergency Services Fee with a Tax in the Same Amount

Vote	Ballot Language	After Explanation*	After Positive Arguments*	After Negative Arguments*	Conclusion of Survey
Definitely yes	35%	36%	34%	22%	33%
Probably/lean yes	30%	31%	38%	35%	33%
TOTAL YES	**64%**	**67%**	**72%**	**57%**	**66%**
Definitely no	10%	12%	13%	16%	16%
Probably/lean no	12%	11%	9%	17%	14%
TOTAL NO	**22%**	**23%**	**22%**	**33%**	**30%**
UNDECIDED	**14%**	**10%**	**6%**	**10%**	**4%**

**Split sampled*

The survey results show some volatility in support for the measure, as reflected in **Figure 3**. The positive arguments push support for the measure over 70 percent (to 72%), though it drops down to 57 percent after voters hear opposition arguments. At the conclusion of the survey, support returns to approximately its initial level, at 66 percent. While support never drops below the simple majority that would be required for approval, the "definite yes" vote also never climbs much over one-third, indicating that voters' positions on the issue are fairly tentative.

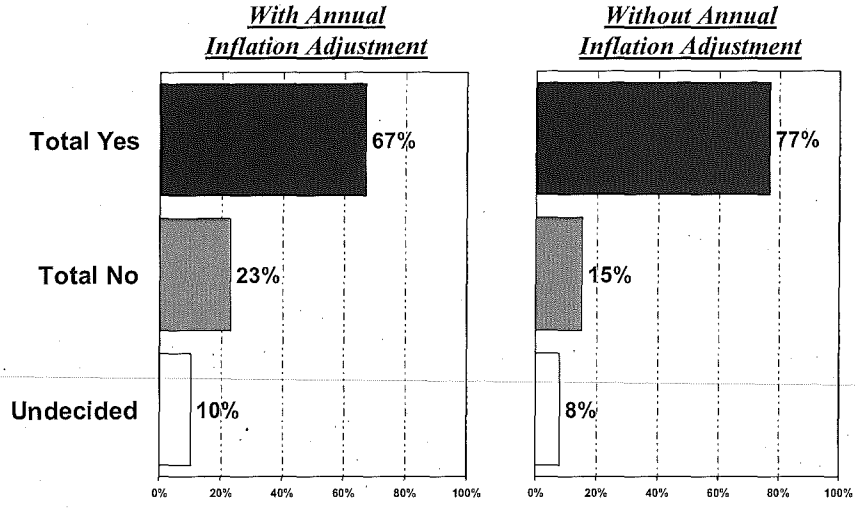
Several questions shed light on the aspects of the measure that voters like and dislike. The first is the open-ended question after the initial ballot language. Supporters of the measure point to the reduction in costs that the measure would produce (a feature volunteered by 35 percent of "yes" voters), as well as the idea that money would fund critical City services (20%). Opponents generally cite opposition to taxes. Respondents were also asked to indicate their support for, or opposition to, a variety of specific elements of the measure, as indicated in **Figure 4** below. Each element drew strong majority support, particularly the continuation of exemptions and the reduction in the tax amount, each of which was "strongly supported" by a solid majority of those polled.

FIGURE 4:
Support for Individual Provisions of the Measure
(Split Sampled)

Provision	TOTAL SUPPORT	Str. Supp.	SW Supp.	SW Opp.	Str. Opp.	DK/ NA
Continues current lifeline exemptions for low-income senior-citizen and disabled households	**90%**	75%	15%	3%	5%	3%
Reduces the current cost of one dollar and 75 cents per month per phone line to one dollar and 65 cents	**76%**	54%	22%	6%	13%	5%
Replaces the existing fee on emergency communications service with a tax in a reduced amount	**70%**	45%	25%	8%	14%	8%
Allows annual adjustments based on inflation limited to three percent per year	**57%**	30%	27%	10%	23%	11%

A 57-percent majority of voters also support the provision of the measure allowing limited annual inflation adjustments; however, a significant minority (33%) also oppose that provision. To evaluate the impact of the inflation adjustment more precisely, those respondents who indicated they were opposed to or undecided on the measure after hearing the detailed explanation were asked how they would vote if the inflation adjustment were removed. As **Figure 5** makes clear, that change to the proposal led to a ten-point increase in support.

FIGURE 5:
Support for the Measure Without an Inflation Adjustment



Overall, the results suggest that few voters initially focus on the inflation adjustment, and most are willing to accept it. Removing it, however, could potentially expand support for the measure.

In general, the ECSS fee replacement measure appears viable. It receives consistent majority support, even after voters have heard both pro and con arguments.

PART III: SUPPORT FOR UPDATING THE TELECOMMUNICATIONS USERS TAX

A third potential ballot measure explored in the survey was a modernization of the telecommunications users tax, presented to survey respondents using the potential ballot language shown below:

> *"REDUCTION OF TAX RATE AND MODERNIZATION OF TELECOMMUNICATIONS USERS TAX. Shall an ordinance be adopted to reduce the City's tax on telecommunications users from five percent to four point seven-five percent; modernize the ordinance to apply to all out-of-state calls and treat taxpayers equally regardless of technology used; and continue to use revenue to fund essential City services, such as police, fire protection, street maintenance, parks and libraries; subject to existing annual audits?"*

A more detailed follow-up explanation of the proposed measure was presented to half the sample of voters, and read as follows:

> *"San Jose currently charges a five percent utility users tax that covers several utilities, including telephone service. It is applied to some, but not all, out-of-state telephone calls, text messaging, paging services, and other new technologies.*
>
> *"This measure would reduce the existing tax rate for telecommunications services from five percent to four point seven-five percent. It would also update the telecommunications users tax to apply equally to all San Jose consumers for all telecommunications services, regardless of the technology they use, and enable the City to adapt the telecommunications users tax to new and developing technologies in the future."*

As shown in **Figure 6**, support for the measure remained fairly steady at about six in ten voters after the ballot language (61%), the more detailed explanation (62%), and the positive arguments (62%). In each case, the proportion saying they would "definitely" vote "yes" remained at about one-third of all voters. .

FIGURE 6:
Changes in Support for a Ballot Measure Updating the City's Telecommunications Users Tax

Vote	Ballot Language	After Explanation	After Positive Arguments*	After Negative Arguments	Conclusion of Survey
Definitely yes	31%	33%	33%	26%	31%
Probably/lean yes	30%	29%	29%	32%	30%
TOTAL YES	**61%**	**62%**	**62%**	**58%**	**61%**
Definitely no	12%	16%	18%	19%	16%
Probably/lean no	10%	12%	10%	15%	17%
TOTAL NO	**22%**	**28%**	**28%**	**34%**	**33%**
UNDECIDED	**17%**	**10%**	**10%**	**8%**	**6%**

** Split Sampled*

However, the level of opposition to the measure rose notably across the same series of questions, from 22 percent to 28 percent. And after the negative arguments, support dropped to 58 percent (and "definite yes" votes to 26%) while opposition further spiked up to 34%

Initial support for the measure ran higher among voters of color (65%) than among whites (55%). It also fared better among independents (69%) than among Democrats (57%) or Republicans (56%). On the whole, though, the measure receive solid majority support from most major subgroups of the San Jose electorate, and revealed less demographic division than many of the other measures tested.

Overall, supporters of the measure are largely focused on the rate reduction, even more so than with the ECSS fee replacement. Fully 42 percent of "yes" voters offered the rate reduction as their main reason for supporting the measure, dwarfing any other individual response. Among "no" voters, just over half mentioned a general opposition to tax measures as the reason for their opposition, while 36 percent more explicitly expressed opposition to the idea of a tax on telecommunications services.

Figure 7 below shows voters' reactions when specifically prompted about many of the individual elements of the ballot measure. Voters were highly enthusiastic about reducing the tax rate and modernizing it to ensure equal treatment of taxpayers (with each provision receiving more than 70 percent support). However, voters were more ambivalent about expanding the scope of the tax to cover services like text messages, Internet telephone services, and all out-of-state telephone calls. On each case, a solid majority of voters supported expanding the scope of the ordinance, but only about one-third supported it "strongly."

FIGURE 7:
Support for Individual Provisions of the Measure
(Split Sampled)

Provision	TOTAL SUPP.	Str. Supp.	SW Supp.	SW Opp.	Str. Opp.	DK/ NA
Reduces the tax rate from five percent to four point seven-five percent	**78%**	56%	22%	8%	10%	4%
Modernizes the existing ordinance in response to new communication technologies so that all taxpayers are treated the same regardless of technology used	**72%**	45%	27%	6%	17%	5%
Replaces the existing telecommunications ordinance with a modern ordinance that responds to changes in federal law	**61%**	33%	28%	7%	15%	17%
Allows the telecommunications users tax to be applied to newer services like voice over Internet telephone services	**58%**	34%	24%	7%	27%	7%
Allows the telecommunications users tax to be applied to all out-of-state telephone calls	**56%**	33%	23%	7%	29%	8%
Allows the telecommunications users tax to be applied to newer services like text messaging	**55%**	32%	23%	11%	29%	5%

Overall, the telecommunications users tax modernization measure appears viable. It receives consistent majority support from about three in five voters, and most individual elements of the measure receive solid support as well. However, the proportion of voters who "definitely" favor the measure is relatively low, and the negative arguments do significantly narrow the margin of support – particularly among Republicans. The information voters receive once the measure has been placed on the ballot could significantly impact their level of support.

PART IV: SUPPORT FOR CHANGING THE AUTHORIZED TERMS OF PARK AGREEMENTS

A fourth potential ballot measure explored in the survey would amend the City Charter to change the City Council's ability to negotiate agreements for the use of certain parks, as described in the draft ballot question below:

> *"LONG TERM AGREEMENTS IN CERTAIN CITY PARKS. To generate revenue for park improvements and other recreational purposes, shall the City Charter be amended to allow the City Council to approve park use agreements for up to 30 years in parks larger than five acres, provided the agreements enhance the recreational purposes of the park?"*

A somewhat more detailed explanation, shown below, was offered to respondents as a follow-up question:

> *"Currently, the City Charter only allows the City Council to enter into such agreements for three years at a time in the majority of City parks. The three-year maximum limits the City's ability to attract private companies to enter into sponsorship and operating agreements, which in turn provide funding for the improvement of facilities, such as pools, community centers and soccer fields.*
>
> *"The proposed revision would allow private companies to make financial investments in exchange for lease periods long enough to obtain a return on their investments. The Charter provision would require that the long-term agreement must enhance the recreational opportunities of the park."*

Respondents were also asked about their support for the proposed charter amendment one final time, along with the other four ballot measures, at the end of the survey. The results showed general acceptance of the idea, though support was tentative, as shown in **Figure 8**. A 55-percent majority initially supports the idea – almost three times the proportion that opposes it (20%). But fewer than three in ten voters say that they will "definitely" vote "yes," and more than three in five (61%) are either undecided or only softly committed to a "yes" or "no" vote. In the open-ended question following the initial ballot question, supporters of the measure overwhelmingly indicate that they believe it will be good for the parks, while opponents either say the 30-year time period is too long (a position offered by 37% of "no" voters); indicate that they do not trust City government to negotiate beneficial agreements (24%); or think that there are better ways to generate money for the parks (17%).

FIGURE 8:
Support for a Ballot Measure Changing the Authorized Term of Park Leases

Vote	Ballot Language	After Explanation	Conclusion of Survey	*Change*
Definitely yes	29%	36%	38%	*+9%*
Probably/lean yes	26%	25%	28%	*+2%*
TOTAL YES	**55%**	**61%**	**66%**	***+11%***
Definitely no	10%	14%	14%	*+4%*
Probably/lean no	10%	12%	11%	*+1%*
TOTAL NO	**20%**	**26%**	**25%**	***+5%***
UNDECIDED	**25%**	**13%**	**9%**	***-16%***

There are a number of noteworthy demographic differences in initial support for the charter amendment. It receives more support from renters (65%) than from homeowners (53%); from Latinos (66%) and Asian-Americans (61%) as opposed to whites (51%); and from voters under 50 (64%) as opposed to those age 50 and over (46%). Women (59%) are more likley to back the amendment than are men (51%), and independents (60%) and Democrats (59%) are more enthusiastic than are Republicans (44%).

Support for the amendment generally increases as voters get more information, rising to 61% after the more detailed explanation and to 66% at the conclusion of the survey. Opposition to the amendment rises as well, but to a lesser degree than support goes up. The greatest increases in support for the amendment are evident among men, whose "yes" vote rises a full 15 points by the end of the survey.

Taken together, the survey findings suggest that support for this charter amendment is tenuous, given that it addresses an unfamiliar issue for most local voters. That said, few voters are outright opposed to the measure, and with additional information the margin of support steadily increases. The measure appears to be viable.

PART V: SUPPORT FOR CHANGING SALARY-SETTING PROCEDURES

The fifth and final potential ballot measure offered to survey respondents was a charter amendment to change the method for setting compensation for the Mayor and City Council, presented to respondents with the following draft ballot language:

> *"COUNCIL COMPENSATION. Shall the authority of the City Council to set their salaries based on recommendations of the Salary Setting Commission be changed by amending the City Charter to instead require that the annual salary of the Mayor and Councilmembers be 80 percent and 60 percent, respectively, of the salary established for a California Superior Court Judge, and other benefits be equivalent to City executive managers?"*

Respondents were also given the following more detailed explanation of what the amendment would do:

> *"Now I would like to ask you about the charter amendment that would remove the City Council's ability to set its own salaries, and instead would set the Mayor and City Council's salaries equal to 80 percent and 60 percent, respectively, of the salary of a superior court judge. This measure would greatly simplify the City's salary-setting process, would eliminate the need for a salary-setting commission, and would remove the conflict of interest involved in having City Council members vote on their own salaries. It would also lead to a sizeable increase in the salaries paid to the Mayor and City Council."*

The results of these questions – as well as a final question about the amendment at the end of the survey – are shown in **Figure 9** below. Voters initially oppose the idea by a 40 percent to 31 percent margin, and though support does increase over the course of the survey as voters get more information, it never comes close to reaching a majority of voters polled. Opposition runs strongest among men, whites, voters age 50 and over, homeowners, and upper-income voters. Based on the results of the open-ended question, opponents primarily believe that the compensation system embodied in the measure would be unfair, inappropriate, or too lucrative for elected officials.

FIGURE 9:
Support for a Ballot Measure Changing the Process for Setting the Salary of the Mayor and Councilmembers

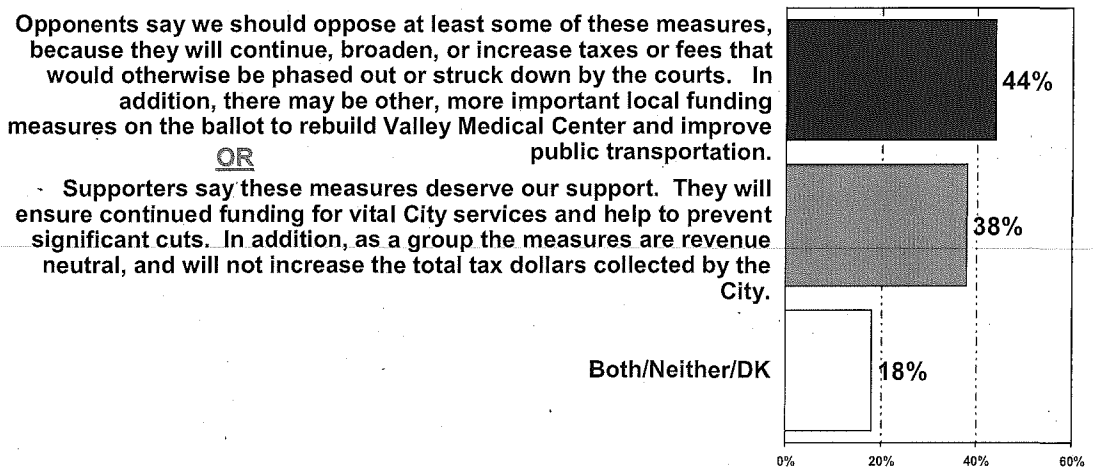
Vote	Ballot Language	After Explanation	Conclusion of Survey	*Change*
Definitely yes	16%	17%	20%	*+4%*
Probably/lean yes	16%	24%	23%	*+7%*
TOTAL YES	**31%**	**41%**	**43%**	***+12%***
Definitely no	22%	26%	27%	*+5%*
Probably/lean no	18%	19%	19%	*+1%*
TOTAL NO	**40%**	**45%**	**46%**	***+6%***
UNDECIDED	**29%**	**14%**	**11%**	***-18%***

Given the consistently low level of support for this charter amendment – both before and after voters receive more information – its prospects for winning approval on the November ballot are not good.

PART VI: ATTITUDES TOWARD THE BALLOT MEASURES AS A GROUP

After respondents heard the initial ballot labels, as well as more detailed follow-up questions about the measures, they were asked to choose between two broad statements characterizing the overall package of measures, as shown in **Figure 10** below. A 44-percent plurality agreed that they thought at least some of the measures should be voted down – given concerns about their impact on taxes and given other measures likely to be on the ballot. A slightly smaller group (38% of those polled) agreed that the measures deserved public support because of their revenue neutrality and the funding they would provide for critical City services.

FIGURE 10:
Choice of Statements About the Five Ballot Measures as a Group



Demographically, there were few dramatic differences in responses to the question. Renters, Democrats, voters of color, women, and middle-income voters were all modestly more likely than others to agree that the measures merited public support, while whites, upper-income voters, and Republicans were particularly likely to disagree. The net impact of the two statements, however, seemed to be minor. In the final vote questions on all five measures, which immediately followed the two statements, voters were just as supportive – and in most cases more so – of each measure as they were in the preceding questions.

PART VII: CONCLUSIONS AND RECOMMENDATIONS

The results of the refinement survey lead us to the following recommendations regarding the five ballot measure concepts we presented to voters:

- An increase in business taxes on card rooms remains clearly viable. It receives support from two-thirds of voters as soon as they hear draft ballot language, and nearly half of voters say they will "definitely" support it. And support for the measure actually increases as voters hear more about some of the other items that may be on the ballot. While the survey did not test full pro and con messages that might impact support for the proposal, it appears to have solid enough support to withstand some erosion and still win approval.

- A ballot measure replacing the City's ECSS fee with an equivalent tax also has broad support, starting at 64 percent of all voters. That support increases as voters learn more information and hear positive arguments about the measure, but declines after they hear negative arguments (to 57%). Still, the measure remains consistently over the simple majority threshold required for approval.

  A critical issue related to the ECSS fee replacement is the degree to which including an automatic inflation adjustment, limited to three pecent per year, might impact support. Such a provision was included in the initial ballot langauge presented to survey respondents, and while a minoirity of voters objected to it it did not prevent the measure from receiving three-to-one majority support. When the provision is isolated and asked about separately, a majority support it – and even after a negative argument focused on the issue, support remains at 57 percent.

  That said, when asked if removing the inflation adjustment would impact their support, a significant proportion of voters who were initially opposed or undecided indicate that they would be likely to vote "yes" – enough to move support for the measure to 77 percent. The bottom line seems to be that the measure could probably pass with the inflation adjustment included, though removing it certainly would not hurt and potentially could increase support.

- A measure to reduce and modernize the City's telecommunictions users tax also has majority support, though it appears to vary less with additional information than does support for the ECSS fee replacement. A total of 61 percent of voters initially back the measure based on draft ballot langauge, and support remains between 58 and 62 percent as voters receive more information and pro and con arguments. Relatively few voters have firmly made up their minds about the measure, however, with between one-quarter and one-third saying that they will "definitely" vote "yes." The measure appears viable, but again a substantial number of voters are not certain of how they will cast their ballots.

- The charter amendment regarding long-term park agreements appears viable, but is also highly volatile. Voters initially back the measure, based on draft ballot language, by nearly a three-to-one margin (55% to 20%). However, only 29 percent of voters say they will "definitely" vote for the measure, and nearly as many (25%) are undecided. More than the other measures tested, this amendment is likely to be

impacted by the information voters receive over the course of a campaign. However, the results do suggest that as voters learn more about the measure their support becomes both broader and stronger.

- The charter amendment to change the procedures for setting salaries for the Mayor and City Council does not appear viable. Initially, voters oppose the proposal by a margin of 40 percent to 31 percent based solely on the ballot language. The margin of opposition narrows as voters learn more; but even at the end of the survey support does not reach the required simple majority, and a plurality of voters continue to oppose it (46% to 43%).

Accordingly, from the perspective of public support we recommend that the City consider placing the first four measures on the ballot, and defer changes to the charter regarding salaries for elected officials to a later date. The survey results suggest that the other four measures stand a reasonably good chance of winning approval, even when placed on the ballot simultaneously.

Of course, the results of a poll are merely a snapshot of public opinion at a given moment in time, and are subject to change given events between now and November. Other than the increase in the business tax on card rooms, support for the remaining measures varied significantly as voters received more information about each measure. "Yes" or "no" campaigns that may be formed by private citizen groups could have a significant impact on the outcome of each of these measures.

APPENDIX A:
TOPLINE SURVEY RESULTS

FAIRBANK, MASLIN, MAULLIN & ASSOCIATES JULY 15-20, 2008

SAN JOSE BALLOT MEASURE REFINEMENT SURVEY
220-2596
WFT N=804
A/B/C/D/E AND F/G SPLITS

Time Began_____
Time Ended_____
Minutes _____

Hello, I'm _____ from F-M-M-A, a public opinion research company. I am definitely NOT trying to sell you anything. We are conducting an opinion survey about issues that interest people living in San Jose, and we are only interested in your opinions. May I speak to_____? **(YOU MUST SPEAK TO THE VOTER LISTED. VERIFY THAT THE VOTER LIVES AT THE ADDRESS LISTED, OTHERWISE TERMINATE.)**

1. In November there will be an election for President, Congress, and state and local ballot measures. I know it is a long way off, but looking ahead, how likely are you to vote in this election – will you definitely vote, probably vote, are the chances 50-50 that you will vote, or will you probably not vote?

Definitely vote ---------- 96%
Probably vote---------- 3%
50-50 ---------- 1%
Probably not vote ---------- **TERMINATE**
(DEFINITELY NOT VOTE)---------- **TERMINATE**
(DON'T KNOW / NOT SURE)---------- **TERMINATE**

NOW I WOULD LIKE TO ASK YOU ABOUT SOME MEASURES THAT MAY APPEAR ON THE CITY OF SAN JOSE BALLOT IN NOVEMBER. FOR EACH, I WILL READ YOU THE LANGUAGE OF THE MEASURE AS IT MIGHT APPEAR ON THE BALLOT. PLEASE LISTEN CAREFULLY, AND THEN TELL ME HOW YOU THINK YOU MIGHT VOTE.

HERE'S THE FIRST ONE...

ROTATION INSTRUCTIONS:

- ***SPLIT SAMPLE A, READ Q2-3 FIRST, THEN RANDOMIZE Q4/Q6/Q8/Q10***
- ***SPLIT SAMPLE B, READ Q4-5 FIRST, THEN RANDOMIZE Q2/Q6/Q8/Q10***
- ***SPLIT SAMPLE C, READ Q6-7 FIRST, THEN RANDOMIZE Q2/Q4/Q8/Q10***
- ***SPLIT SAMPLE D, READ Q8-9 FIRST, THEN RANDOMIZE Q2/Q4/Q6/Q10***
- ***SPLIT SAMPLE E, READ Q10-11 FIRST, THEN RANDOMIZE Q2/Q4/Q6/Q8***

READ EACH ITEM SLOWLY AND CAREFULLY, AND REPEAT AS NECESSARY.

2. The **FIRST/NEXT** measure is entitled REDUCTION OF TAX RATE AND MODERNIZATION OF TELECOMMUNICATIONS USERS TAX, and reads as follows:

"Shall an ordinance be adopted to reduce the City's tax on telecommunications users from five percent to four point seven-five percent; modernize the ordinance to apply to all out-of-state calls and treat taxpayers equally regardless of technology used; and continue to use revenue to fund essential City services, such as police, fire protection, street maintenance, parks and libraries; subject to existing annual audits?"

If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	31%
Probably yes	19%
Undecided, lean yes	10%
TOTAL YES	**60%**
Undecided, lean no	3%
Probably no	7%
Definitely no	12%
TOTAL NO	**22%**
(DON'T READ) Need more info	16%
(DON'T READ) DK/NA	2%

(ASK Q3 ONLY IF SPLIT SAMPLE A AND ANSWERED YES OR NO – CODES 1-6 – IN Q2)

3. In a few words of your own, can you tell me why you voted **(YES/NO)** this ballot measure?

a. Yes

Tax reduction/cost reduction	42%
Telecommunications technology tax	13%
Funding method/tax money is needed	12%
Equal treatment/fair	9%
Combination of items included/city services (general)	8%
Police services	8%
General positive/good idea/need it/important	6%
Community benefits/helps people	6%
Need more information/details	6%
Fire protection services	4%
Parks	1%
DK/NA/Refused	12%

b. No

Tax reduction/oppose tax measures	52%
Telecommunications technology tax	36%
Need more information/details	16%
General negative/bad idea/other issues are more important	10%
Combination of items included/too complicated/too broad	5%

(RESUME ASKING ALL RESPONDENTS)

4. The **FIRST/NEXT** measure is entitled REDUCTION AND REPLACEMENT OF 9-1-1 FEE, and reads as follows:

"Shall an ordinance be adopted to:

- Eliminate the one dollar and 75 cent fee per telephone line and replace it with a reduced tax of one dollar and 65 cents, with a proportionally reduced amount for trunk lines, to support essential City services such as police, fire, street maintenance, and libraries;
- limit annual inflation adjustments to three percent; and
- continue lifeline exemptions for low-income senior citizen or low-income disabled households,

subject to existing annual audits?".

If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	35%
Probably yes	21%
Undecided, lean yes	9%
TOTAL YES	**64%**
Undecided, lean no	3%
Probably no	9%
Definitely no	10%
TOTAL NO	**22%**
(DON'T READ) Need more info	13%
(DON'T READ) DK/NA	1%

(ASK Q5 ONLY IF SPLIT SAMPLE B AND ANSWERED YES OR NO – CODES 1-6 – IN Q4)

5. In a few words of your own, can you tell me why you voted **(YES/NO)** this ballot measure?

a. Yes

Tax reduction/cost reduction	35%
Combination of items included/city services (general)	20%
General positive/good idea/need it/important	13%
Funding method/money is needed	9%
Police services/911 response	8%
Community benefits/helps people	7%
Exemptions for low-income/senior citizen/disabled households	6%
Fire protection services	4%
Telephone line/technology tax	3%
Need more information/details	3%
Equal treatment/fair	2%
Inflation adjustments favored	0%
DK/NA/Refused	7%

b. No

Taxes opposed/no more/too many taxes	27%
Cost/can't afford/shouldn't charge	25%
General negative/bad idea/oppose change/should leave as is	17%
Need more information/details	15%
Inflation adjustments	12%
Tax reduction opposed	12%
DK/NA/Refused	2%

(RESUME ASKING ALL RESPONDENTS)

6. The **FIRST/NEXT** measure is entitled THE SAN JOSE VITAL CITY SERVICES PRESERVATION MEASURE, and reads as follows:

"To help prevent cuts in general City services such as police and fire, street maintenance, parks and libraries, shall an ordinance be adopted to increase the existing business tax on card room revenues from 13 percent to 18 percent, subject to existing annual audits?"

If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	45%
Probably yes	14%
Undecided, lean yes	7%
TOTAL YES	**67%**
Undecided, lean no	3%
Probably no	7%
Definitely no	14%
TOTAL NO	**24%**
(DON'T READ) Need more info	9%
(DON'T READ) DK/NA	1%

(ASK Q7 ONLY IF SPLIT SAMPLE C AND ANSWERED YES OR NO – CODES 1-6 – IN Q6)

7. In a few words of your own, can you tell me why you voted **(YES/NO)** this ballot measure?

a. Yes

Card room/business revenue tax/gamblers should pay	35%
Combination of items included/city services (general)	30%
Funding method/money is needed	23%
Community benefits/helps people	9%
General positive/good idea/need it/important	8%
Police services	6%
Parks	1%
Need more information/details	1%
Fire protection services	0%
DK/NA/Refused	7%

b. No

Taxes opposed (general)/no more/too many taxes	39%
Spending concern/money may not go where it's supposed to go	17%
Business tax/will hurt businesses/economic growth	15%
Cost/increase too high	12%
Card room tax/oppose gambling	8%
General negative/oppose ballot initiatives	6%
Need more information/details	2%
DK/NA/Refused	12%

(RESUME ASKING ALL RESPONDENTS)

8. The **FIRST/NEXT** measure is entitled COUNCIL COMPENSATION, and reads as follows:

"Shall the authority of the City Council to set their salaries based on recommendations of the Salary Setting Commission be changed by amending the City Charter to instead require that the annual salary of the Mayor and Councilmembers be 80 percent and 60 percent, respectively, of the salary established for a California Superior Court Judge, and other benefits be equivalent to City executive managers?"

If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	16%
Probably yes	11%
Undecided, lean yes	5%
TOTAL YES	**31%**
Undecided, lean no	5%
Probably no	13%
Definitely no	22%
TOTAL NO	**40%**
(DON'T READ) Need more info	25%
(DON'T READ) DK/NA	4%

(ASK Q9 ONLY IF SPLIT SAMPLE D AND ANSWERED YES OR NO – CODES 1-6 – IN Q8)

9. In a few words of your own, can you tell me why you voted **(YES/NO)** this ballot measure?

a. Yes

Salary setting method/fair way to do it	34%
Salary percentages/good pay standard	21%
General positive/good idea/they deserve it	17%
Need more information/details	10%
DK/NA/Refused	18%

b. No

Salary increases/percentages too high/they make enough/ too much money now	48%
Need more information/details	20%
Salary setting method/percentages are unfair/inappropriate job comparisons	12%
General negative/poor idea/other issues are more important	8%
Salary increases/percentages too low/too restricted	3%
They would be setting their own salaries	2%
Too complicated/too many things in one measure	2%
Taxes will increase/no more taxes	0%
DK/NA/Refused	8%

(RESUME ASKING ALL RESPONDENTS)

10. The **FIRST/NEXT** measure is entitled LONG TERM AGREEMENTS IN CERTAIN CITY PARKS, and reads as follows:

"To generate revenue for park improvements and other recreational purposes, shall the City Charter be amended to allow the City Council to approve park use agreements for up to 30 years in parks larger than five acres, provided the agreements enhance the recreational purposes of the park?"

If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	29%
Probably yes	17%
Undecided, lean yes	9%
TOTAL YES	**55%**
Undecided, lean no	3%
Probably no	7%
Definitely no	10%
TOTAL NO	**20%**
(DON'T READ) Need more info	23%
(DON'T READ) DK/NA	2%

(ASK Q11 ONLY IF SPLIT SAMPLE E AND ANSWERED YES OR NO – CODES 1-6 – IN Q10)

11. In a few words of your own, can you tell me why you voted **(YES/NO)** this ballot measure?

a. Yes

General positive/good idea/park are important/like parks	30%
Parks improvement/better/safer parks	20%
Parks maintenance/take care of parks	15%
Children/families benefit	12%
Parks/recreation facilities	9%
Need more information/details	9%
Community benefits/quality of life/good for everyone	7%
Parks funding/money is needed	6%
Taxes aren't increased	3%
Time period/30 years is good	1%
Job opportunities	0%
DK/NA/Refused	9%

b. No

Time period/30 years is too long	37%
City council/government control/involvement	24%
Funding method/should find other way to get money	17%
Need more information/details	15%
General negative/not needed/other issues are more important	9%
Parks funding/money isn't needed/need wiser use of current funds	2%

(ASK Q12-Q17 OF SPLIT SAMPLE F ONLY)

12. Let me ask you a few more questions about the measure that would reduce the City's telecommunications users tax rate and modernize it to apply equally to all San Jose consumers, regardless of the technology they use. San Jose currently charges a five percent utility users tax that covers several utilities, including telephone service. It is applied to some, but not all, out-of-state telephone calls, text messaging, paging services, and other new technologies.

This measure would reduce the existing tax rate for telecommunications services from five percent to four point seven-five percent. It would also update the telecommunications users tax to apply equally to all San Jose consumers for all telecommunications services, regardless of the technology they use, and enable the City to adapt the telecommunications users tax to new and developing technologies in the future.

Having heard this, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	33%
Probably yes	20%
Undecided, lean yes	9%
TOTAL YES	**61%**
Undecided, lean no	4%
Probably no	8%
Definitely no	16%
TOTAL NO	**28%**
(DON'T READ) Need more info	9%
(DON'T READ) DK/NA	1%

13. Next, I'm going ask you about a variety of specific aspects of this ballot measure. After I read each one, please tell me whether you support or oppose that aspect of the measure. **(IF SUPPORT/OPPOSE, ASK: "Is that strongly SUPPORT/OPPOSE or just somewhat?")** **(RANDOMIZE)**

	STR SUPP	SW SUPP	SW OPP	STR OPP	(DK/NA)
[ ]a. Allows the telecommunications users tax to be applied to all out-of-state telephone calls	33%	23%	7%	29%	8%
[ ]b. Modernizes the existing ordinance in response to new communication technologies so that all taxpayers are treated the same regardless of technology used	45%	27%	6%	17%	5%
[ ]c. Allows the telecommunications users tax to be applied to newer services like text messaging	32%	23%	11%	29%	5%
[ ]d. Replaces the existing telecommunications ordinance with a modern ordinance that responds to changes in federal law	33%	28%	7%	15%	17%
[ ]e. Allows the telecommunications users tax to be applied to newer services like voice over Internet telephone services	34%	24%	7%	27%	7%
[ ]f. Reduces the tax rate from five percent to four point seven-five percent	56%	22%	8%	10%	4%

14. Next, I am going to read you some statements from people who support the telecommunications users tax reduction and modernization measure we have been discussing. After hearing each statement, please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to support such a measure. If you do not believe the statement, please tell me that too. **(RANDOMIZE)**

	VERY CONV.	SMWHT CONV.	NOT CONV.	DON'T BELIEVE	(DK/NA)
[ ]a. The measure modernizes the existing communication user's tax to include technologies that did not exist when the tax was introduced. It treats all taxpayers, regardless of the technology they use, equally so that everyone pays their fair share.	36%	34%	19%	9%	2%
[ ]b. This measure will preserve 24 million dollars in existing funding for City services, including police, fire, parks, libraries or other vital services.	38%	35%	16%	9%	2%
[ ]c. Voting yes on this measure will reduce the tax rates San Jose residents pay on communications services.	42%	23%	18%	16%	1%

15. Now that you have heard more about it, let me ask you again about the measure to reduce the telecommunications users tax rate and modernize the law. Do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	33%
Probably yes	19%
Undecided, lean yes	10%
TOTAL YES	**62%**
Undecided, lean no	4%
Probably no	6%
Definitely no	18%
TOTAL NO	**29%**
(DON'T READ) Need more info	8%
(DON'T READ) DK/NA	1%

16. Next, I am going to read you some statements from people who oppose the telecommunications users tax reduction and modernization measure we have been discussing. After hearing each statement, please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to oppose such a measure. If you do not believe the statement, please tell me that too. **(RANDOMIZE)**

		VERY CONV.	SMWHT CONV.	NOT CONV.	DON'T BELIEVE	(DK/NA)
[ ]a.	This measure would actually apply a new tax to services that are not currently taxed – like out-of-state phone calls, text messaging, and phone calls made over the Internet.	37%	25%	30%	4%	4%
[ ]b.	We cannot trust the City to spend the money generated by this ballot measure. It will just be mis-spent or wasted.	30%	24%	27%	14%	5%
[ ]c.	The City is placing a second measure on the ballot that would place a new tax on telephone service. We cannot afford to vote for two different City taxes on phone service.	33%	26%	28%	8%	5%

17. Now that you have heard more about it, let me ask you again about the measure to reduce the telecommunications users tax rate and modernize the law. Do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	26%
Probably yes	23%
Undecided, lean yes	9%
TOTAL YES	**58%**
Undecided, lean no	5%
Probably no	10%
Definitely no	19%
TOTAL NO	**35%**
(DON'T READ) Need more info	7%
(DON'T READ) DK/NA	1%

(ASK Q18-Q24 OF SPLIT SAMPLE G ONLY)

18. Now I would like to ask you more about the measure that would replace the city's existing emergency services fee on each telephone line with a reduced tax.

The City of San Jose currently charges residents a monthly charge of one dollar and 75 cents per phone line in order to help pay for 9-1-1 emergency dispatch services. Due to a recent court decision, a number of California cities that charge such fees have decided to submit them to voters for approval.

This measure would create a new tax on phone lines to replace the fees customers are currently paying, and would reduce the monthly amount of the tax to one dollar and 65 cents per line, with annual inflation adjustments limited to three percent. If approved, the measure will continue generating 23 million dollars per year for the City, which could be used for vital city services including police, fire, street repair, parks and libraries. If the measure is rejected by voters, the city may have to cut 23 million dollars from existing City services.

Having heard this, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	36%
Probably yes	21%
Undecided, lean yes	10%
TOTAL YES	**68%**
Undecided, lean no	1%
Probably no	10%
Definitely no	12%
TOTAL NO	**22%**
(DON'T READ) Need more info	9%
(DON'T READ) DK/NA	1%

(ASK Q19 IF CODES 4-8 IN Q18)

19. Suppose that this measure did not include a provision to adjust the amount of the tax annually for inflation, and would remain the exact same rate on an ongoing basis. In that case, do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	8%
Probably yes	15%
Undecided, lean yes	7%
TOTAL YES	**29%**
Undecided, lean no	5%
Probably no	19%
Definitely no	22%
TOTAL NO	**46%**
(DON'T READ) Need more info	21%
(DON'T READ) DK/NA	3%

(RESUME ASKING ALL RESPONDENTS IN SPLIT SAMPLE G)

20. Next, I'm going ask you about a variety of specific aspects of this ballot measure. After I read each one, please tell me whether you support or oppose that aspect of the measure. **(IF SUPPORT/OPPOSE, ASK:** "Is that strongly **SUPPORT/OPPOSE** or just somewhat?") **(RANDOMIZE)**

		STR SUPP	SW SUPP	SW OPP	STR OPP	(DK/NA)
[ ]a.	Replaces the existing fee on emergency communications service with a tax in a reduced amount	45%	25%	8%	14%	8%
[ ]b.	Reduces the current cost of one dollar and 75 cents per month per phone line to one dollar and 65 cents	54%	22%	6%	13%	5%
[ ]c.	Allows annual adjustments based on inflation limited to three percent per year	30%	27%	10%	23%	11%
[ ]d.	Continues current lifeline exemptions for low-income senior-citizen and disabled households	75%	15%	3%	5%	3%

21. Next, I am going to read you some statements from people who support the measure to replace the City's emergency communications fee with a reduced tax. After hearing each statement, please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to support such a measure. If you do not believe the statement, please tell me that too. **(RANDOMIZE)**

	VERY CONV.	SMWHT CONV.	NOT CONV.	DON'T BELIEVE	(DK/NA)
[ ]a. This measure would reduce the amount that San Jose phone customers pay to one dollar and sixty-five cents per month per phone line	43%	29%	17%	8%	3%
[ ]b. This measure will preserve 23 million dollars in existing funding for City services, including police, fire, parks, libraries or other vital services.	51%	26%	12%	7%	4%
[ ]c. All funds raised by this measure will be subject to audits and full public review of all spending, to ensure that the money is spent properly.	51%	26%	12%	9%	2%

22. Now that you have heard more about it, let me ask you again about the measure to replace the City's emergency communications fee with a reduced tax. Do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	34%
Probably yes	26%
Undecided, lean yes	12%
TOTAL YES	**72%**
Undecided, lean no	2%
Probably no	7%
Definitely no	13%
TOTAL NO	**22%**
(DON'T READ) Need more info	5%
(DON'T READ) DK/NA	0%

23. Next, I am going to read you some statements from people who oppose the measure to replace the City's emergency communications fee with a reduced tax. After hearing each statement, please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to oppose such a measure. If you do not believe the statement, please tell me that too. **(RANDOMIZE)**

		VERY CONV.	SMWHT CONV.	NOT CONV.	DON'T BELIEVE	(DK/NA)
[ ]a.	This measure includes a provision that would allow increases in the tax every year for inflation. Essentially, it approves automatic tax increases on phone users every single year.	37%	29%	25%	6%	3%
[ ]b.	Currently, funding from this fee is dedicated to the City's 9-1-1 emergency communications system. But this measure would remove those limitations, and allow the City to spend it on any program they want.	36%	22%	30%	8%	5%
[ ]c.	The City is placing a second measure on the ballot that would place taxes on a wide range of telecommunications services, including phones. We cannot afford to vote for two different City taxes on phone service.	35%	28%	26%	7%	4%

24. Now that you have heard more about it, let me ask you again about the measure to replace the City's emergency communications fee with a reduced tax. Do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	22%
Probably yes	21%
Undecided, lean yes	14%
TOTAL YES	**58%**
Undecided, lean no	5%
Probably no	12%
Definitely no	16%
TOTAL NO	**34%**
(DON'T READ) Need more info	7%
(DON'T READ) DK/NA	2%

(RESUME ASKING ALL RESPONDENTS; ROTATE Q25 AND Q26)

25. Now I would like to ask you about the charter amendment that would remove the City Council's ability to set its own salaries, and instead would set the Mayor and City Council's salaries equal to 80 percent and 60 percent, respectively, of the salary of a superior court judge.

This measure would greatly simplify the City's salary-setting process, would eliminate the need for a salary-setting commission, and would remove the conflict of interest involved in having City Council members vote on their own salaries. It would also lead to a sizeable increase in the salaries paid to the Mayor and City Council.

Having heard this, let me ask you again – do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	17%
Probably yes	14%
Undecided, lean yes	10%
TOTAL YES	**41%**
Undecided, lean no	6%
Probably no	13%
Definitely no	26%
TOTAL NO	**45%**
(DON'T READ) Need more info	12%
(DON'T READ) DK/NA	2%

(ROTATE Q26 AND Q25)

26. Now I would like to explain a little more about the charter amendment giving the City Council the right to approve park use agreements for up to 30 years. Currently, the City Charter only allows the City Council to enter into such agreements for three years at a time in the majority of City parks. The three-year maximum limits the City's ability to attract private companies to enter into sponsorship and operating agreements, which in turn provide funding for the improvement of facilities, such as pools, community centers and soccer fields.

The proposed revision would allow private companies to make financial investments in exchange for lease periods long enough to obtain a return on their investments. The Charter provision would require that the long-term agreement must enhance the recreational opportunities of the park.

Having heard this, let me ask you again – do you think you would vote "yes" in favor of this measure or "no" to oppose it? **(IF YES/NO, ASK:** "Is that definitely or just probably?") **(IF UNDECIDED, DON'T KNOW, NO ANSWER, NEED MORE INFORMATION ASK:)** "Do you lean toward voting yes or no?"

Definitely yes	36%
Probably yes	16%
Undecided, lean yes	9%
TOTAL YES	**61%**
Undecided, lean no	5%
Probably no	7%
Definitely no	14%
TOTAL NO	**26%**
(DON'T READ) Need more info	11%
(DON'T READ) DK/NA	2%

27. Now I am going to read you statements from supporters and opponents of all of these City of San Jose ballot measures. Please tell me which statement comes closest to your opinion. Please choose just one, even if it's hard to decide. **(ROTATE)**

[ ] Supporters say these measures deserve our support. They will ensure continued funding for vital City services and help to prevent significant cuts. In addition, as a group the measures are revenue neutral, and will not increase the total tax dollars collected by the City. ---------- 38%

OR

[ ] Opponents say we should oppose at least some of these measures, because they will continue, broaden, or increases taxes or fees that would otherwise be phased out or struck down by the courts. In addition, there may be other, more important local funding measures on the ballot to rebuild Valley Medical Center and improve public transportation. ---------- 44%

(DON'T READ)
(BOTH)---------- 5%
(NEITHER) ---------- 9%
(DON'T KNOW/NA)---------- 4%

28. Now I am going to ask you about the five measures that may appear on the November ballot in San Jose one last time. After I read each one, please tell me whether you would you vote yes to support it, or no to oppose it? **(IF YES/NO, ASK:)** "Is that definitely **(YES/NO)** or just probably?" **(IF UNDECIDED, ASK:** "Well, do you lean towards voting yes or no?"**)**

(SPLIT SAMPLE A, ASK ITEM a. FIRST THEN RANDOMIZE THE OTHERS)
(SPLIT SAMPLE B, ASK ITEM b. FIRST THEN RANDOMIZE THE OTHERS)
(SPLIT SAMPLE C, ASK ITEM c. FIRST THEN RANDOMIZE THE OTHERS)
(SPLIT SAMPLE D, ASK ITEM d. FIRST THEN RANDOMIZE THE OTHERS)
(SPLIT SAMPLE E, ASK ITEM e. FIRST THEN RANDOMIZE THE OTHERS)

		DEF YES	PROB YES	LEAN YES	LEAN NO	PROB NO	DEF NO	(DK/ NA)
[ ]a.	A measure to reduce the City's Telecommunications Users Tax from five percent to four point seven-five percent, and to modernize the ordinance to apply to all out-of-state calls and treat taxpayers equally regardless of the technology used, to fund City services such as police and fire, street repair, parks, and libraries.	31%	23%	7%	7%	10%	16%	6%
[ ]b.	A measure to eliminate the existing City emergency communications fee of one dollar and 75 cents per month and replace it with a reduced tax of one dollar and 65 cents per month, charged to each telephone line, to fund City services such as police and fire, street repair, parks, and libraries.	33%	25%	8%	7%	7%	16%	5%
[ ]c.	A measure to help prevent cuts in City services like police, fire, street repair, parks and libraries by increasing the tax on card room revenues in San Jose from 13 percent to 18 percent	51%	16%	6%	4%	6%	13%	3%
[ ]d.	A charter amendment that would do away with a Salary Setting Commission, and instead would set the Mayor and City Council's salaries equal to 80 percent and 60 percent, respectively, of the salary of a superior court judge.	20%	15%	8%	9%	10%	27%	11%
[ ]e.	A charter amendment to generate revenue for park improvements and other recreational purposes by allowing the City Council to approve park use agreements for city parks larger than 5 acres for up to 30 years, provided such agreements enhance the recreational purposes of the park.	38%	20%	8%	4%	7%	14%	8%

HERE ARE MY LAST QUESTIONS, AND THEY ARE FOR STATISTICAL PURPOSES ONLY.

29. Do you own or rent the house or apartment where you live?

Own	78%
Rent	20%
(DON'T READ) Don't know/Refused	2%

30. Please stop me when I come to the category that best describes the ethnic or racial group with which you identify yourself. Is it....?

Hispanic/Latino	17%
African-American	3%
Asian/Pacific Islander	16%
Caucasian/White	57%
Native American/Indian	1%
Some other group or identification	4%
(DON'T READ) Refused	2%

31. In what year were you born?

1990-1984 (18-24)	5%
1983-1979 (25-29)	5%
1978-1974 (30-34)	7%
1973-1969 (35-39)	8%
1968-1964 (40-44)	11%
1963-1959 (45-49)	11%
1958-1954 (50-54)	12%
1953-1949 (55-59)	10%
1948-1944 (60-64)	8%
1943-1934 (65-74)	10%
1933 or earlier (75 & over)	7%
(DON'T READ) Refused	6%

32. I don't need to know the exact amount but I'm going to read you some categories for household income. Please stop me when I read the category for the total combined income for all people in your household before taxes in 2007?

$30,000 and under	9%
$30,001 - $60,000	15%
$60,001 - $75,000	14%
$75,001 - $100,000	19%
$100,001 - $150,000	13%
More than $150,000	9%
(DON'T READ) Refused	22%

THANK AND TERMINATE

GENDER (BY OBSERVATION):

Male ---------- 48%
Female ---------- 52%

PARTY REGISTRATION:

Democrat ---------- 49%
Republican ---------- 27%
Decline to State ---------- 21%
Other ---------- 3%

Name _____ Phone# _____

Address _____ Date _____

Voter ID# _____ Zip Code _____

Interviewer _____ Cluster # _____

Verified by _____ Page # _____

FLAGS

P02 ---------- 38%
G02 ---------- 54%
R03 ---------- 63%
P04 ---------- 54%
G04 ---------- 88%
N05 ---------- 65%
P06 ---------- 55%
G06 ---------- 76%
F08 ---------- 77%

VOTE BY MAIL

1 ---------- 22%
2 ---------- 8%
3 + ---------- 30%
Blank ---------- 39%

PERMANENT ABSENTEE

Yes ---------- 61%
No ---------- 39%

HOUSEHOLD PARTY TYPE

Dem 1 ---------- 21%
Dem 2 + ---------- 18%
Rep 1 ---------- 9%
Rep 2 + ---------- 10%
Ind 1 + ---------- 16%
Mix ---------- 26%

CITY COUNCIL DISTRICT

1 ---------- 9%
2 ---------- 10%
3 ---------- 7%
4 ---------- 11%
5 ---------- 6%
6 ---------- 12%
7 ---------- 7%
8 ---------- 12%
9 ---------- 13%
10 ---------- 13%

SUPERVISORIAL DISTRICT

1 ---------- 28%
2 ---------- 26%
3 ---------- 19%
4 ---------- 25%
5 ---------- 2%