



Memorandum

**TO: HONORABLE MAYOR AND
CITY COUNCIL**

FROM: DENNIS HAWKINS

**SUBJECT: ELECTION COSTS AND
PROCEDURES REGARDING
ARGUMENTS, REBUTTALS, AND
PRINTING THE FULL TEXT OF MEASURES**

DATE: AUGUST 3, 2012

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL:

To provide additional information regarding election costs and to clarify various options the Council may consider in placing ballot measures on the November 2012 ballot.

MEASURE COSTS:

On August 7, the City Council will be considering action placing two citywide initiative measures on the ballot – Minimum Wage and Cardroom Gambling – and a possible Sales Tax Measure.

The Registrar of Voters estimates the City's total cost of the November 2012 elections at \$1,840,000. Included in this estimate are the costs for the Run-off elections in Council District 8 (\$37,105) and Council District 10 (\$39,854), which includes reimbursable costs borne by the candidates for the inclusion of their statements in the sample ballot.

In adopting Resolutions calling each special election, the Council may consider certain options which affect the cost of the election. The estimated total cost of the first city-wide ballot measure will be approximately \$894,000. 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. The incremental cost to include rebuttal arguments is approximately \$36,000 per measure. The incremental cost for including the full text of each measure ranges from approximately \$36,000 to \$54,000 per measure. The second and subsequent measures each will cost approximately \$434,000, including the analysis, arguments, rebuttals, and full text. These costs are detailed below:

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Item	First Measure Cardroom Gambling	Second Measure Minimum Wage	Third Measure Sales Tax
Base Cost	\$768,549	\$290,340	\$290,340
Impartial Analysis	\$17,949	\$17,949	\$17,949
Arguments	\$35,898	\$35,898	\$35,898
Rebuttals	\$35,898	\$35,898	\$35,898
Full Text	\$35,898	\$53,847	\$53,847
Total Cost per Measure	\$894,192	\$433,932	\$433,932

The Council has appropriated \$2,100,000 of the General Fund for election costs in FY 2012 – 2013 (Appropriation 3955 – Elections and Ballot Measures).

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 \$18,000 per page per measure. The deadline to submit the Impartial Analysis to the City Clerk is 12:00 Noon, Tuesday, August 21, 2012.

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, 2012. 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):

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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 \$18,000 per page per measure or a total of \$36,000 per measure.

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 measures on the June 2010 and November 2010 ballots, and the costs of the ballot measures were reduced accordingly. The Council, however, did permit rebuttal arguments for Measure B in the June 2012 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, 2012. 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 Section 9285.)

Rebuttal arguments are generally one page for each side, two pages, at a cost of \$18,000 per page. The total estimated cost of rebuttal arguments per measure is approximately \$36,000.

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:

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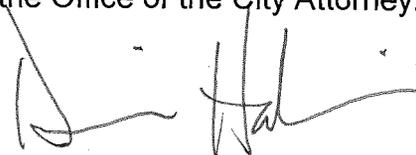
"If you would like to read the full text of the measure, see www.sanjoseca.gov/clerk/elections/Election.asp or call 408-535-1260 and a copy will be sent at no cost to you." The City Clerk will send, without charge, a copy of the full text of any or all City measures to any person requesting a copy.

The full texts of each of the measures being considered for the November ballot are of different lengths. The Office of the City Clerk provided the texts of each measure to the Registrar of Voters so they could prepare an estimate of the number of pages required and costs if the full texts were printed in the sample ballot. The Registrar has estimated the following costs to include the full text of each measure in the sample ballot:

Measure	Estimated Pages	Estimated Cost Per Measure
Cardroom Gambling	2	\$35,898
Minimum Wage	3	\$53,847
Transactions and Use Tax	3	\$53,847
Total Estimated Cost for Inclusion of Full Text of Measures		\$143,592

COORDINATION:

This memorandum has been coordinated with the Office of the City Attorney.



DENNIS D. HAWKINS, CMC
City Clerk

For questions, please contact Dennis Hawkins, City Clerk, at 408-535-1275

