



(ENDORSED)
FILED
DEC 13 2022

CITY OF CAMPBELL
Mayor's Office

Clerk of the Court
Superior Court of CA County of Santa Clara
BY Brittney Huelbig DEPUTY

December 9, 2022

Honorable Beth A.R. McGowen
2023 Presiding Judge
Superior Court of California
County of Santa Clara
191 North First Street
San Jose, CA 95113

RE: Response to the Santa Clara County Civil Grand Jury Report, "If You Only Read the Ballot, You're Being Duped" Dated October 7, 2022

Dear Honorable Judge McGowen:

The City of Campbell thanks you and the members of the Civil Grand Jury for your work on this important topic. Attached, please find the City's response to the Santa Clara Civil Grand Jury Report, "If You Only Read the Ballot, You're Being Duped."

The response was reviewed and approved by the Campbell City Council on December 6, 2022. The attached document contains the City's responses to Finding 1 and to Recommendations 1b, 1c and 1e

If you have any questions, please contact Brian Loventhal, City Manager at CMOffice@CampbellCA.gov or (408) 866-2125.

Sincerely,

Paul Resnikoff
Mayor

Attachment: City of Campbell Response to the Santa Clara County Civil Grand Jury Report

cc: City of Campbell City Council
Foreperson, 2022 Santa Clara County Civil Grand Jury
Clerk of the Santa Clara County Superior Court

City of Campbell Response to the Santa Clara County Civil Grand Jury Report

Finding 1

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

*Response: **Partially Agree***

While the language of a ballot measure question is subject to some degree of discretion, the City disagrees that misleading wording is because of a lack of regulation at the local level. The California Election Code §9200 et seq. provides specific regulations on the development and timing of ballot measures submitted to the voters for municipal elections. Furthermore, the Elections Code sets forth opportunities for public input, review and remedies related to municipal ballot measures.

Recommendation 1b

Governing entities within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

*Response: **The recommendation will not be implemented because it is not warranted***

The trust of voters is a tremendous incentive for local agencies to adopt clear ballot language. The City of Campbell is committed to transparency in governance including conducting meetings open to the public to approve ballot question language. The California Election Code §9200 et seq. sets forth the process for the submittal of ballot measures in municipal elections. The process to develop and approve the submittal of a ballot question includes the review of professional staff and the City Attorney to ensure the language conforms with the law. This process of review allows the City to address problematic language while still recognizing community priorities and values in a manner that is easy to understand.

Recommendation 1c

Governing entities within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

*Response: **The recommendation will not be implemented because it is not warranted***

The City of Campbell is committed to transparency in governance including conducting meetings open to the public to approve ballot question language. The California Election Code §9200 et seq. sets forth the process for the submittal of ballot measures in municipal elections. The process to develop and approve the submittal of a ballot question includes the review of professional staff and the City Attorney to ensure the language conforms with the law. This process of review allows the City to address problematic language while still recognizing community priorities and values in a manner that is easy to understand.

Additionally, the existing statutory deadlines contained in the Election Code make it challenging to accommodate additional reviews, meetings and determinations by County Counsel to enforce existing law.

City of Campbell Response to the Santa Clara County Civil Grand Jury Report

Recommendation 1e

Governing entities within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

*Response: **The recommendation will not be implemented because it is not warranted***

The formation of a Good Governance in Ballots Commission with advisory powers to recommend ballot language would eliminate the ability of local elected officials to address local priorities and values in a manner that reflects the local community. Existing law specified in Elections Code §9200 et seq. sets forth the process and timing for the submittal of ballot measures in municipal elections. It is not warranted to create additional processes through an independent commission to ensure the existing requirements of the law are met. Campbell's existing process affords a public process to address problematic language in an efficient manner, while still meeting statutory deadlines.