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(ENDORSED)
FILED
JAN 06 2023
Clerk of the Court
Superior Court of CA County of Santa Clara
BY *Bethany Huelbig* DEPUTY

December 21, 2022

Honorable Beth McGowen
Presiding Judge (2023)
Superior Court of California,
County of Santa Clara
191 North First Street
San José, CA 95113

RE: Civil Grand Jury Report

Dear Judge McGown:

Pursuant to California Penal Code section 933 *et seq.*, please find enclosed the City of Cupertino's response to the 2022 Santa Clara County Civil Grand Jury Report, "If You Only Read the Ballot, You're Being Duped." The City Council approved the City's response to the Grand Jury Report on December 6, 2022. The approved City response is enclosed for your review. Thank you for your consideration

Sincerely,

Pamela Wu

Pamela Wu
City Manager

Enclosure

**CITY OF CUPERTINO RESPONSE TO THE FINDINGS AND RECOMMENDATIONS OF THE
2022 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT, "IF YOU ONLY READ THE
BALLOT, YOU'RE BEING DUPED"**

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.

City Response – Disagree. The County Counsel does not represent or provide legal advice to the City. Ballot measures are reviewed by the City Attorney's Office for compliance with state law, including Election Code section 9051. Where appropriate, existing legal remedies can be pursued by the City Attorney's Office.

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.

City Response – Disagree. Please see the response to Recommendation 1b, above.

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.

City Response – Not Applicable. As noted in the Grand Jury Report, Recommendation 1d is inconsistent with state law. The City of Cupertino has no ability to implement Recommendation 1e absent a change in state law.