COUNCIL AGENDA: 08-12-08
ITEM:

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: City Council **FROM:** Mayor Chuck Reed

SUBJECT: NOVEMBER BALLOT MEASURES: REBUTTAL ARGUMENTS **DATE:** August 8, 2008

Approved Chuck Reed Date 8/8/08

RECOMMENDATION

That the City Council adopts provisions to allow rebuttal arguments for the November Ballot measures.

BACKGROUND

Elections Code Section 9285 establishes procedures for accepting rebuttal arguments for printing in the Voters' Sample Ballot. The Code requires that the City Council adopt provisions to allow rebuttal arguments by majority vote. When the City Council adopted the resolutions placing the four ballot measures on the November ballot, it specified that no rebuttal arguments would be allowed. To give the City Clerk the authority to accept rebuttal arguments pursuant to Elections Code Section 9285, the City Council must take formal action to reverse its previous direction.

If authorized by the City Council, the City Clerk may accept rebuttal arguments from either the author/s of a primary argument in support or opposition to a ballot measure, or any other person/s authorized in writing by the author/s to submit a rebuttal argument. Rebuttal arguments may not exceed 250 words and may be signed by no more than five (5) persons.

The City Clerk has established the deadline for primary ballot arguments in support or opposition as Tuesday, August 12, 2008 at 5:00 p.m. Should the Council agree to allow Rebuttal arguments, the Clerk has indicated that the deadline for submitting rebuttal arguments would be Tuesday, August 19th at 5:00 p.m. This deadline will enable the City Clerk to meet the County Registrar of Voters' deadlines for final submission and public review of all ballot materials.

There will be additional costs associated with printing the rebuttal arguments, however the City Clerk indicates there are sufficient funds to cover the added costs in the Elections Budget administered by her Office.