



City of Arts & Innovation

Charter Review Committee

Memorandum

TO: CHARTER REVIEW COMMITTEE

DATE: October 21, 2019

FROM: CITY ATTORNEY'S OFFICE

WARDS: ALL

SUBJECT: CITY ATTORNEY'S IMPARTIAL ANALYSIS OF BALLOT MEASURES

ISSUE:

Receive and file a report on the City Attorney's impartial analysis of ballot measures.

RECOMMENDATION:

Receive and file a report on the City Attorney's impartial analysis of ballot measures.

BACKGROUND:

Once a City measure has qualified for a place on the ballot, the City Council may direct the City Clerk to forward a copy of the measure to the City Attorney. If so directed, the City Attorney must prepare an analysis of the measure showing the effect of the measure on existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Council may request that the city elections official prepare the impartial analysis.

The analysis is printed on the ballot preceding the arguments in favor of and against the measure. The purpose of the analysis, like all other ballot arguments, is to ensure a more informed electorate.

Here is the applicable statute:

Elections Code section 9280. Preparation of impartial analysis of measure by city attorney

Whenever a city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. 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 analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

If the entire text of the measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-

point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

California law does not require the City Attorney to analyze the fiscal impact of a particular ballot measure. California law requires that election materials (including the impartial analysis, arguments for and against a measure, and ordinances to be adopted by the measure) not be false or misleading (Elections Code section 9295).

The City Charter is silent as to the content of the City Attorney’s impartial analysis. The City charter could be amended to require the City Council to request that the City Attorney (or the City elections official, if that official is preparing the impartial analysis) to analyze the fiscal impact of a ballot measure in the impartial analysis.

FISCAL IMPACT:

None.

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Approved as to form: Gary G. Geuss, City Attorney