



March 14, 2023

**U.S. CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

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

Re: Response to Recommendations to the 2022 Santa Clara County Civil Grand Jury Report,  
"If You Only Read the Ballot, You're Being Duped"

Dear Judge McGowen:

Attached is the response of the Foothill-De Anza Community College District to the above-referenced Report of the 2022 Santa Clara County Civil Grand Jury. This "Response to Recommendations" is submitted pursuant to the requirements of California Penal Code Sections 933(c), 933.05(a) and 933.05(b).

Very truly yours,

Judy C. Miner, Ed.D.  
Chancellor

Attachment

**RESPONSE TO RECOMMENDATIONS OF  
FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
– 2022 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT  
“IF YOU ONLY READ THE BALLOT, YOU’RE BEING DUPED”**

FINDINGS AND RECOMMENDATIONS

**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 to Finding 1: The District disagrees with Finding 1. The content of ballot measures is regulated by detailed requirements contained in the Education Code and the Elections Code. The District works closely with competent bond counsel to prepare ballot language which satisfies all applicable requirements, fairly summarizes the goals of the District within the 75-word limit, and is not misleading to voters.

**Recommendation 1b: “Governing entities<sup>2</sup> 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.”**

WILL NOT BE IMPLEMENTED. The District disagrees that there is a need to submit ballot measures to the Santa Clara Council for review prior to submission to the Registrar of Voters because the District relies on competent bond counsel to draft and review ballot measure language for legal sufficiency.

**Recommendation 1c: “Governing entities<sup>3</sup> 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.”**

WILL NOT BE IMPLEMENTED. The District will continue to rely of the advice of competent bond counsel to draft and review ballot measure language for legal sufficiency.

**Recommendation 1e: “Governing entities<sup>4</sup> within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.”**

WILL NOT BE IMPLEMENTED. The District does not agree with the need for a “Good Governance in Ballots Commission” as described in the Grand Jury Report. Current law properly places responsibility for the preparation of lawful ballot materials on the public entity seeking to place such measure on the ballot. The District expects to continue to work with competent bond counsel to draft, review and approve all such measures prior to District Governing Board approval and submission to the voters.