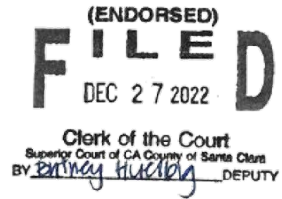




**TOWN OF LOS GATOS**  
**OFFICE OF THE TOWN COUNCIL**  
(408) 354-6801  
[Council@LosGatosCA.gov](mailto:Council@LosGatosCA.gov)



December 21, 2022

The Honorable Beth McGowen, Presiding Judge  
Santa Clara County Civil Grand Jury  
Superior Court Building  
191 North First Street  
San Jose, CA 95113

**RE: Response to the Santa Clara Civil Grand Jury Report on “If You Only Read the Ballot, You’re Being Duped” Dated October 7, 2022**

Dear Presiding Judge McGowen,

The Town would like to thank the Grand Jury for its work on this important topic. Enclosed please find the Town’s response to the Santa Clara Civil Grand Jury Report on “If You Only Read the Ballot, You’re Being Duped.”

The response was reviewed and approved by the Los Gatos Town Council on December 20, 2022. The Town is required to respond to one Finding and three Recommendations. The enclosed document contains the Town’s responses to the Finding and Recommendations. In summary, the Town partially agrees with Finding 1 and will implement Recommendations 1b and 1c pending confirmation from the County Counsel that the office has capacity to undertake and complete review of Town ballot measure questions within five days of submission by the Town.

If you have any questions, please contact me at [Council@LosGatosCA.gov](mailto:Council@LosGatosCA.gov) or (408) 354-6801.

Sincerely,

**Maria Ristow**  
Town of Los Gatos Mayor

Enclosure

cc:  
James Renalds, Foreperson, 2022 Civil Grand Jury  
Clerk of the Santa Clara County Superior Court

## **Town of Los Gatos Response to Grand Jury Report on Ballot Questions**

### **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: The Town partially agrees with this Finding. The Town agrees with the portion of the Finding stating that ballot measure questions can be confusing or misleading. The Grand Jury Report itself provides two examples of this Finding. However, with regard to local ballot measures, the Town disagrees with the finding that ballot measures are unregulated. The California Elections Code clearly sets the expectation that ballot materials should be true and impartial in a manner that does not create prejudice or serve as an argument for or against the proposed measure. In city government, ballot questions are prepared by the city attorney and the city attorney is responsible for drafting ballot questions that are clear to voters. Ballot measures and ballot questions are reviewed at Town Council meetings before submission to the County Registrar of Voters, which provides the community with a direct opportunity to comment on the proposed wording.*

### **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: As noted in the Grand Jury report, the California Elections Code does provide an option for recourse if a ballot question falls short of the requirements set forth in State law. If the existing recourses in State law are not working, one solution is to propose amendments to State law.*

*In addition, the Elections Code contains tight timelines and it is challenging to build in review time by a separate agency. The Town will occasionally need to add measures on the ballot quickly in order to respond to time-sensitive issues. Also, the Town will occasionally receive proposed ballot measures as a result of an initiative or referendum. If sufficient signatures are gathered on an initiative or referendum petition, State law requires the Town to place the measure on the ballot at the next regular municipal election.*

*In addition, it is not clear that County Counsel has the capacity to review local ballot measure questions. However, the Town will implement Recommendation 1b within six months if the County Counsel confirms that it 1) has the capacity to provide this review and 2) the review can be completed within five days of the Town's submission.*

### **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 Town will implement Recommendation 1c within six months if the County Counsel confirms that the office 1) has the capacity to review local ballot measure questions; and 2) will be able to complete its review within five days of the Town's submission of its ballot measure question.*

## **Town of Los Gatos Response to Grand Jury Report on Ballot Questions**

### **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 the County of Santa Clara is more familiar with local issues and therefore better equipped to review local ballot measure questions.*