



Item No. 1 Town of Atherton

CITY COUNCIL STAFF REPORT – SPECIAL AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: GEORGE RODERICKS, CITY MANAGER
THERESA DELLASANTA, CITY CLERK**

DATE: MARCH 27, 2017

**SUBJECT: REVIEW AND APPROVE REBUTTAL TO ARGUMENT AGAINST
MEASURE A SUBMITTED TO QUALIFIED VOTERS AT THE
JUNE 6, 2017 ALL MAIL BALLOT ELECTION**

RECOMMENDATION

- Approve language submitted by Ad Hoc Subcommittee members Wiest and DeGolia to Rebut the Argument Against Measure A.
- Sign the Ballot Argument Rebuttal Submission Form provided by the City Clerk.

BACKGROUND

At the March 15 City Council Meeting, the Council approved language for the Argument in Favor of Measure A submitted to qualified voters at the June 6, 2017 All-Mail Ballot Election. Additionally, the Mayor appointed Vice Mayor Wiest and Council Member DeGolia to draft a rebuttal argument should it become necessary (the Town receives a Primary Argument against the Measure).

The City Elections Official received a written argument against Measure A on March 17, 2017 before the deadline. The elections official notified the authors of both arguments and sent copies of the arguments to each group of authors to allow for them to prepare and submit rebuttal arguments.

Rebuttal arguments may not exceed 250 words. The rebuttal arguments shall be filed with the City Clerk not more than 10 days after the final date for filing primary arguments. The final filing date for filing rebuttal argument is set for 12:00 p.m. on Monday, March 27, 2017.

Following the deadline for submittal of rebuttals, there will be a 10-calendar day examination period for public review of rebuttal arguments. During this time, any registered voter, eligible to vote on the measure, or the elections official, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of the chapter, and that issuance of the writ or

injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

ANALYSIS

Ad Hoc subcommittee members Wiest and DeGolia continue to work on the rebuttal argument and will bring a draft of the argument to the meeting for edits by the full Council.

POLICY FOCUS

Staff is seeking feedback and clarification on the language of the rebuttal to the argument against Measure A to be submitted to qualified electors of the Town of Atherton at the June 6, 2017 all-mail ballot election.

FISCAL IMPACT

The cost of an all mail-in ballot is approximately \$27,262. It is included in the budget.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,600 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

Rebuttal Argument Submission Form



Ballot Measure Argument Rebuttal Submission Form

If both an argument in favor of and against a measure have been selected for publication in the voter information pamphlet, a rebuttal to the argument in favor of or the argument against the measure may be submitted as outlined in this form.

The author of the argument in favor of the measure may prepare and submit a rebuttal argument to the argument against the measure or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. Likewise, the author of the argument against the measure may prepare and submit a rebuttal argument to the argument in favor of the measure or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument shall not be accepted unless accompanied by this completed form, which shall contain the printed name(s) and signature(s) of the person(s) submitting it or, if submitted on behalf of a bona fide association of citizens/organization, the name of the association/organization and the printed name and signature of at least one of its principal officers.

Word count limit for Rebuttal Arguments = 250

The rebuttal arguments shall be submitted to the elections official conducting the election no later than _____.

These rules apply to all rebuttal arguments unless a rebuttal argument is otherwise provided by law.

Ballot Measure _____ for the _____ to be held on _____.

Rebuttal to Argument in Favor of Measure _____ Rebuttal to Argument Against Measure _____

Signed by Exact Same Individual(s) as Argument Already Selected for the Voter Information Pamphlet

If you are submitting a rebuttal argument and the individual(s) signing the rebuttal argument are the same as the individual(s) signing the original Ballot Measure Primary Argument Submission Form, check the following box and complete the back side of this form.

Rebuttal Argument Is Signed by Same Individual(s) as Argument Already Selected For the Voter Information Packet

Submitted by Different Individual(s) as the Opposing Primary Argument

If the rebuttal argument is signed by anyone different than the signer(s) of the Ballot Measure Primary Argument Submission Form already submitted—including whether there is only one different individual or whether there are up to five new individuals—you must complete the section below, complete the back side of this form, and attach to this form the written authorization by the author that indicates: (i) your name(s); and (ii) the author’s name, contact information, statement of authorization, and signature.

Contact Person:	Phone:
Mailing Address:	
Fax:	Email:

Please complete the reverse side of this form.

Rebuttal Argument Signers Form

Each signer must designate in which capacity they are signing. Check the one box that applies.

No more than five signatures shall appear with any argument. If more than five signatures are submitted, the first five listed shall be printed.

Names and titles listed will be printed in the order that they are listed below.

If the signers are part of a bona fide association/organization, for each such signing individual(s), the title under the signer's name shall list the name of that bona fide association/organization and may include their position within that association/organization.

By signing below, the undersigned state that they have read the argument and believe it not to be false or misleading.

Governing Body of San Mateo County, a School District, or a Special District	Member of the Governing Body of San Mateo County, a School District, or a Special District	Bona Fide Association of Citizens/Organization	Individual
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1.	Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Phone:	Email:				
	Address:					
	Signature:	Date:				
2.	Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Phone:	Email:				
	Address:					
	Signature:	Date:				
3.	Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Phone:	Email:				
	Address:					
	Signature:	Date:				
4.	Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Phone:	Email:				
	Address:					
	Signature:	Date:				
5.	Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Phone:	Email:				
	Address:					
	Signature:	Date:				

Submit a second form (this side only) for alternate signers attached to this form and the argument.

FOR OFFICIAL USE ONLY

Signers	<input type="checkbox"/> Registered	N/A	Signed	Dated
Bona Fide Association	<input type="checkbox"/> Verified	N/A	Signed	Dated