



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Dom Zanger  
District No. 1

Kollin Kosmicki  
District No. 2

Mindy Sotelo  
District No. 3  
Chair

Angela Curro  
District No. 4  
Vice-Chair

Bea Gonzales  
District No. 5

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**Item Number: 2.8**

**MEETING DATE:** 10/24/2023

**DEPARTMENT:** COUNTY CLERK/RECORDER/ELECTIONS

**AGENDA ITEM PREPARER:** Francisco Diaz

**DEPT HEAD/DIRECTOR:** Francisco Diaz

**SUBJECT:**

**COUNTY CLERK/RECORDER/REGISTRAR OF VOTERS - F. DIAZ**

Adopt a resolution authorizing the Elections Office to not list proponents and opponents of local measures on county ballots for all future elections.

SBC FILE NUMBER: 285

RESOLUTION: 2023-137

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

**Legislation Summary**

The State Legislature passed Assembly Bill (AB) 1416 requiring the ballot label for statewide measures, and, at the option of a county, the ballot label or similar description on the ballot of county, city, district, and school district measures, to include a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of ballot arguments printed in the voter information guide that support and oppose the measure, as specified.

The bill would require a nonprofit organization, business, or individual to meet certain criteria before being listed on the ballot label or similar description of the measure on the ballot.

The bill would require the signers of the ballot arguments to submit the lists of supporters and opponents to the Secretary of State or the respective elections official and would require the Secretary of State or

respective elections official to provide those lists to county elections officials as part of the ballot label.

The list of proponents and opponents is limited to a maximum of 125 characters each.

### **Election Official Summary**

The proposed addition of nonprofit organizations, businesses, or individuals to the ballot label for statewide measures, and optionally for county, city, district, and school district measures, seems to be a well-intentioned effort to provide voters with more information about the supporters and opponents of a particular measure. However, there are several arguments against this proposal that should be considered:

- **Limited Space:** Ballot labels typically have limited space, and including lists of supporters and opponents could condense the space available for essential information like the actual text of the measure, its fiscal impact summary, and other critical details.
- **Criteria for Inclusion:** The bill mentions that organizations, businesses, or individuals would need to meet certain criteria to be listed on the ballot label, but the specific criteria are not detailed. The lack of clear criteria could raise questions about fairness and transparency in the selection process.
- **Potential Legal Challenges:** The inclusion of specific organizations or individuals on the ballot label could invite legal challenges and the government's role in accepting or denying abbreviations of supporters/opponents that may not be clear due to the maximum character limit, and in turn may result in challenges to perceived unfair determinations.
- **Cost of Printing:** There is an anticipated increase in printing costs and mailing costs due to the increased length and size of ballots resulting from the additional text.

In summary, while the idea of providing voters with more information about who supports and opposes a measure is well-intentioned, it is essential to consider the potential drawbacks, such as information overload, space constraints, criteria for inclusion, administrative burdens, and legal challenges. Any changes to the ballot label should carefully balance the goal of transparency with the need for clarity and fairness in the electoral process.

Election Code Section 9170 does allow a mechanism to opt out of printing proponents and opponents of local measures as set forth in subsection (d). The subsection states as follows:

At least 30 days before the deadline for submitting arguments for or against county measures, a county board of supervisors may elect not to list supporters and opponents for county, city, district and school measures on the county ballot and future county ballots.

If this resolution is not adopted, there is an anticipated increase in printing costs and potentially mailing costs due to the increased length and size of ballots resulting from additional text.

### **RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

Yes

### **CONTRACT NEEDED FOR THIS ITEM:**

N/A

### **CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

**STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:**

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

No

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

General Fund

**UNFUNDED MANDATE:**

No

**SBC BUDGET LINE ITEM NUMBER:**

101.20.1115.1000.619.250

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Adopt a resolution authorizing the Elections Office to not list proponents and opponents of local measures on county ballots for all future elections.

**ATTACHMENTS:**

[AB1416  
resolution](#)