



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** County Clerk, Recorder  
and Assessor  
**Department No.:** 062  
**For Agenda Of:** June 27, 2023  
**Placement:** Departmental  
**Estimated Time:** 30 Minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Joseph E. Holland, County Clerk, Recorder and Assessor  
Director(s)  
Contact Info: Michael T. Daly, Chief Deputy Registrar of Voters  
(805) 568-2200  
**SUBJECT: Local Ballot Measure Supporters/Opponents Printing**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:** That the Board of Supervisors:

- a) Adopt a Resolution in the Matter of Electing Not to List Supporters and Opponents for County, City, District and School Measures on the County Ballot and Future County Ballots; and
- b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), because it consists of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

Assembly Bill 1416 (AB 1416) passed by the State Legislature in 2022 and effective January 1, 2023, requires statewide measures' ballot labels to include a listing of supporters and opponents. The listing could include nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument in favor or against the measure printed in the voter information guide.

California Elections Code section 9170(d), added by AB 1416, permits the County Board of Supervisors, at least 30 days before the deadline for submitting arguments for or against county

measures, to elect to opt out of printing listings of supporters and opponents for county, city, district and school measures on the county ballot and future county ballots.

The County Registrar of Voters contends that inclusion of the lists of supporters and opponents for local measures on the ballot would result in increases to ballot length and size. Opting out of printing the listing of supporters and opponents will mitigate cost increases to ballot production, printing and postage resulting from increased ballot length and size. Furthermore, a listing of the supporters and opponents may already be found in the County Voter Information Guide as a part of the of the filed arguments for and against local measures. The County Voter Information Guide is mailed to voters and available on the County Registrar of Voters website.

The proposed action would allow the County Registrar of Voters to not list supporters and opponents of local measures in all future county ballots in accordance with Elections Code section 9170(d).

At the June 6, 2023 Board of Supervisors hearing, the County Registrar of Voters brought forth before the Board of Supervisors the above recommendation to adopt a resolution, pursuant to California Elections code section 9170(d), authorizing the County Registrar of Voters to opt out of the printing of printing listings of proponents (supporters) and opponents for local measures in all future county ballots. At the request of the Board it was determined that the recommended action be brought back before the Board at the June 27, 2023, hearing as a Departmental Agenda item to discuss the recommendation.

### **Background:**

On June 6, 2023, the County Registrar of Voters brought forth before the Board of Supervisors a recommendation to adopt a resolution, pursuant to California Elections code section 9170(d), authorizing the County Registrar of Voters to opt out of the printing of printing listings of proponents (supporters) and opponents for local measures in all future county ballots. The recommendation to adopt this resolution was out of significant concern by the County Registrar of the Voters of the financial implications of the requirement. With the mandated requirement to include these listing for statewide measures, the additional requirement to include these listings for local measures will undoubtedly result in cost increases to ballot design, production, printing, and postage. During the June 6 Board hearing, Board Members expressed concerns that opting out of the local listing of supporters and opponents would come at a sacrifice of transparency.

The County Registrar of Voters highly values the importance of election transparency and the accessibility of information for voters to make informed decisions when voting. This is why the listing of supporters and opponents along with arguments for and against local measures is published in the County Voter Information Guide that is mailed to voters prior to the official ballot and available online. Therefore, the County Registrar of Voters maintains the recommendation that the Board of Supervisors adopt this resolution to not only mitigate further election administration costs increases but additionally out of concern for voter confusion due to longer ballots, multiple ballots, and the politicization of the ballot that not opting out of this requirement may cause.

### **Concerns:**

**Election administration cost increases and voter confusion as a result of longer ballots.** With the requirements of AB 1416 mandated for statewide ballot measures, it already poses significant ballot spacing issues. This is particularly the case during general elections when there are several on ballot candidate contests and often up to approximately 10-13 local ballot measures. The additional requirement of including such lists for local measures stands to not only assure longer ballots but will likely result in multiple ballot cards. The exact cost increases to ballot production and processing with multiple ballot cards are difficult to estimate, but could amount to hundreds of thousands to several hundreds of thousands of dollars of added election administration costs due to the addition of:

- additional work for elections staff to confirm listing and documentation submitted by all proponents and opponents meet the detailed requirements of AB1416;
- design requirements and new judgments being made by staff;
- staffing needs to perform additional ballot layout, translation, and proofing;
- equipment needs to handle multiple ballot card processing and tabulation; and,
- miscellaneous inventory peripherals to handle the impact of having to process multiple ballot cards.

While some of the costs may be passed down to local jurisdictions with measures on the ballot, much of the costs are unlikely to be recouped. Additionally, longer ballots and especially multiple ballot cards will lead to voter confusion and frustration, as well as result in lengthier tabulation and reconciliation processes.

**Politicization of the ballot.** It is the County Registrar of Voter's belief that the ballot should remain politically neutral. The inclusion of supporter and opponent listings for local measures for nonpartisan jurisdictions would create opportunity for increased politicization of the ballot.

**Potential for confusion.** While the provision of AB 1416 set criteria standards for an entities' inclusion as a supporter or opponent, the potential for confusion is high. Entities could take advantage of the system in a way that leaves voters confused due to organizations or people with similar or misleading names.

**Performance Measure:**

N/A

**Contract Renewals and Performance Outcomes:**

N/A

**Fiscal and Facilities Impacts:** If the Resolution is not adopted, there are anticipated cost increases to ballot production, layout, design, translation, proofing, printing, and postage due to the increased ballot length and size of ballots resulting from the additional text.

Budgeted: No

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative: There would only be significant fiscal impact if not approved.

**Key Contract Risks:**

N/A

**Staffing Impacts:**

There will be no increases or decreases in staff as a result of adopting the proposed resolution.

**Special Instructions:**

The Clerk, Recorder, and Assessor’s Elections Division requests the Clerk of the Board provide one (1) complete copy of the executed Resolution and one (1) Minute Order by email to Michael Daly at [mdaly@countyofsb.org](mailto:mdaly@countyofsb.org).

**Attachments:**

Attachment A – Resolution  
Attachment B – AB 1416

**Authored by:**

Clerk, Recorder and Assessor’s Elections Division

**cc:** Joe Holland