

**TO:**

Dean Logan, Registrar Recorder County Clerk  
12400 Imperial Hwy # 7001 Norwalk CA 90650

Mary C. Wickham, County Counsel  
500 W Temple St # 648 Los Angeles CA 90012

**DATE:** November 28, 2018

**RE:** Demand to Not Certify Elections Due to Offenses Against the Elective Franchise

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We are extremely disappointed that you did not respond to, much less heed, our notices of March 19, 2018 and July 28, 2018 regarding conforming school measure ballots to the mandatory requirements of the Elections Code and the Education Code.

**Non-Conforming Ballot Statements**

By not conforming the ballot statements to the law, you have permitted the school and college districts (and other taxing agencies) to deceive the voters about the nature of the underlying measure. When the law is ignored, the measure itself, as you well know, is never referenced in the ballot statement. That is by design. Elections Code 13119(a), if applied as written, vanquishes that deception. In addition, the printed full text of the measure is separated from the sample ballot in the voter information guide by pages and pages of material and advertisements resulting in barely one in twenty voters recognizing that they are voting, not on a marketing question, but on a contractual obligation specified in the text of the measure.

The purpose of the legislature's mandatory requirements are to improve disclosure and end deception. Both of these are substantive and not merely procedural or directory in nature.

The legislature has determined that your printing and circulation of non-conforming ballot statements is an offense against the elective franchise and subject to criminal sanctions.

The following measures appear to or are likely to exceed the constitutional threshold for passage. Each ballot statement contains one or more points of non-conformance.

**Measure A** (transactions and use tax) (Uncertain)

San Fernando Preservation and Beautification Measure. Shall the City extend the half percent (1/2%) transactions and use tax to continue to preserve funding for essential city services such as SFPD, LAFD and SFPW; street repairs, park beautification, and other public works infrastructure projects; cultural and recreational programs; economic development; staffing recruitment, retention and wages; restoration of the City's emergency "rainy day" fund; and other unrestricted general revenue purposes until voters decide to end it?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure C** (transactions and use tax) (Uncertain)

Culver City Neighborhood Safety and City Services Protection Measure. Shall the measure to maintain 911 emergency response times by retaining firefighters, police officers, paramedics fully staff neighborhood fire stations; fix potholes/streets; maintain senior services, after school programs parks

and other general fund City services, by increasing Culver City's sales tax one-quarter cent until ended by voters with no rate increase, generating approximately \$4,900,000 annually requiring independent annual audits, and all funds used locally be adopted?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure G** (cannabis business tax) (Uncertain)

Shall an ordinance be adopted to (1) allow and regulate cannabis (marijuana) businesses; (2) permit existing medical marijuana dispensaries to add sale and delivery of recreational (adult use) cannabis; and (3) impose a 2.5% tax on gross receipts for non-medical cannabis sales?

Non-conforming offenses for this ballot statement include:

- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)

**Measure H** (Prop 46 bond) (Uncertain)

Shall Antelope Valley Healthcare District issue 30-Year General Obligation Bonds, not to exceed \$350 million, to improve patient care, increase patient capacity, reduce Emergency Room wait times, and ensure the hospital meets California's 2030 seismic earthquake safety standards by upgrading the existing hospital or building a new state-of-the-art hospital, at rates described in the Voter Guide, requiring independent audits and online transparency to ensure proper use of funds and protect taxpayers, be authorized?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)

**Measure I** (transactions and use tax) (Uncertain)

Pasadena Infrastructure/Community Essential Services Protection Measure. Shall an ordinance be adopted to maintain essential City of Pasadena services such as fire, police, paramedics, emergency service/response times; keep fire stations open; improve neighborhood and school safety; repair streets/sidewalks; address homelessness; maintain after-school programs/senior services, and other general fund services, by establishing a  $\frac{3}{4}\phi$  sales tax providing approximately \$21,000,000 annually until ended by voters; requiring audits and all funds locally controlled?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC

13119(a)

- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

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**Measure K** (parcel tax) 71.36% (Passing)

To preserve excellence in core academic programs with locally controlled funds that cannot be taken by the State, attract and retain qualified teachers, maintain smaller class sizes, support math, science, engineering, technology, art and music programs, improve support for students with special needs, and prepare students for college and modern careers, shall Culver City Unified School District levy an education parcel tax of \$189 for seven years, raise approximately \$2,362,500 annually, with an exemption for seniors, and independent oversight?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)

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**Measure L** (transactions and use tax) (Uncertain)

Shall the measure, the CITY OF LAWNSDALE VITAL CITY SERVICES MEASURE, establishing a three-quarter cent sales tax, generating about \$2,100,000 annually until ended by voters, be adopted to maintain vital city services, including: 9-1-1 response times, fighting gangs/drugs, ensuring safe drinking water, programs that attract businesses and create jobs, emergency communications systems, neighborhood police patrols/the number of sheriff deputies, addressing homelessness, requiring annual audits, citizen oversight, with all funds to be used locally?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

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**Measure M** (Prop 39 bond) 66.43% (Passing)

MALIBU CLASSROOM REPAIR AND 21st CENTURY EDUCATION BOND:  
To improve, repair, and modernize outdated Malibu classrooms, science labs, libraries, instructional technology and other school facilities; improve school safety/security systems; shall Santa Monica-Malibu Unified School District's School Facilities Improvement District No. 2 (Malibu Schools) issue \$195 million of bonds at legal interest rates, averaging \$10.8 million raised annually to repay issued bonds through final maturity from levies estimated at three cents per \$100 of assessed value, with citizens' oversight, annual audits, all funds benefitting Malibu schools?

Non-conforming offenses for this ballot statement include:

- uses argumentative language - ELC 13119(c)[4]
- benefits language to create prejudice for the measure - ELC 13119(c)[4]

- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]
- word count of 82 exceeds statutory limit - EDC 5322/ELC 13247

**Measure P** (transactions and use tax) (Uncertain)

BURBANK INFRASTRUCTURE AND COMMUNITY SERVICES PROTECTION MEASURE P: To maintain City of Burbank's fire, police, 9-1-1 response; keep fire stations open; maintain the number of police/firefighters; repair streets/potholes; ease traffic; earthquake retrofit city buildings/bridges; maintain senior/after-school programs; address homelessness, other services and aging infrastructure; Shall the measure be adopted approving an ordinance establishing a 3/4¢ sales tax providing approximately \$20,000,000 annually until ended by voters; requiring audits, citizens' oversight, all funds used in Burbank?

Non-conforming offenses for this ballot statement include:

- uses argumentative language - ELC 13119(c)[4]
- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]
- word count of 77 exceeds statutory limit - EDC 5322/ELC 13247

**Measure Q** (transient occupancy tax) (Uncertain)

Measure to Fund Diamond Bar Local Services. Shall the Ordinance to increase the Transient Occupancy Tax paid solely by hotel guests from its current rate of 10 percent to 14 percent providing approximately \$450,000 annually, with no expiration date to be used for neighborhood sheriff protection, traffic safety improvements, local parks, trails, senior and youth recreation programs and other city services be adopted.

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]

**Measure R** (transactions and use tax) (Uncertain)

Cudahy Services Preservation Measure. To maintain and improve City services such as senior and youth services and programs and prevent significant cuts to essential services, including graffiti removal efforts, expanding and improving City park facilities, fixing City streets and public infrastructure, shall the City establish a three-quarter percent transactions and use (sales) tax to raise approximately \$750,000 annually, with annual

financial audits, expenditure reports, and financial oversight, which will expire in 10 years?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]

**Measure S** (transactions and use tax) (Uncertain)

GLENDALE QUALITY OF LIFE AND ESSENTIAL SERVICES PROTECTION MEASURE. Shall the measure to expand funding to protect essential services such as fire, paramedics, police, parks, recreation, senior, library, arts and culture, and affordable housing programs and services, and to improve streets and sidewalks, by enacting a three-quarter percent transaction and use (sales) tax that will generate approximately \$30,000,000 annually, until ended by voters, with annual audits and all funds staying local, be adopted?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure U** (business license tax) (Uncertain)

2018 Cudahy Casino Tax Measure. To fund city services, including public safety and emergency services; park and street maintenance; and recreational programs; shall the City increase the license tax on casino licenses and other gambling operations to 15% percent of total monthly gross gaming revenues with a required minimum license fee of \$10,000 per month to raise a minimum of \$120,000 per year or more depending on the level of gross gaming revenues?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]

**Measure W** (parcel tax) (Uncertain)

LOS ANGELES REGION'S PUBLIC HEALTH AND SAFE, CLEAN WATER PROGRAM. Shall an ordinance improving/protecting water quality; capturing rain/stormwater to increase safe drinking water supplies and prepare for future drought; protecting public health and marine life by reducing pollution, trash, toxins/plastics entering Los Angeles County waterways/bays/beaches; establishing a parcel tax of 2.5¢ per square foot of impermeable area, exempting low-income seniors, raising approximately \$300,000,000 annually until ended by voters, requiring independent audits, oversight and local

control be adopted?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]
- word count of 79 exceeds statutory limit - EDC 5322/ELC 13247

**Measure Y** (transactions and use tax) (Uncertain)

To maintain quality neighborhoods and effective 911 emergency response services by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining senior services, parks, library services, after school programs, community events, and graffiti removal shall a one cent transactions and use tax available for general municipal revenue purposes be collected in the City of Santa Fe Springs generating approximately \$12.8 million annually, until ended by voters, requiring annual audits, with all funds controlled locally?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure AE** (Prop 39 bond) 71.77% (Passing)

BALDWIN PARK UNIFIED SCHOOL DISTRICT SAFETY, REPAIR, COLLEGE/CAREER READINESS MEASURE. To upgrade classrooms, labs, career training facilities to prepare students for college/careers in math, science, technology, engineering, skilled trades/arts; improve school safety; acquire, construct/repair classrooms, facilities, sites/equipment; repair roofs, plumbing/electrical systems; shall Baldwin Park Unified School District's measure authorizing \$69,000,000 in bonds at legal rates, levying 6 cents/\$100 assessed value, averaging \$4,200,00 annually while bonds are outstanding, be adopted, with citizen oversight, all money locally controlled?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- no duration of the tax to be levied - ELC 13119(b)[3]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure BB** (Prop 39 bond) 56.58% (Passing)

To improve student safety/campus security/intruder-protection systems, construct and upgrade classrooms, science labs, and school facilities that support college readiness and career training in math, science, engineering, technology, arts, and skilled trades, and keep instructional technology up-to-date, shall ABC Unified School District issue \$258,000,000 in bonds at legal rates, levying 5 cents/\$100 assessed value for 29 years (\$15,500,000) to improve our schools, with citizen oversight, independent audits and all money locally controlled?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure CC** (transactions and use tax) (Uncertain)

COVINA NEIGHBORHOOD SAFETY AND ESSENTIAL SERVICES PROTECTION. To maintain current service levels including 911 emergency response, public safety, fire protection, paramedics, community policing, school safety officers, fix potholes/streets, community after school/senior/recreation programs, library services, homeless and other general City services, shall an ordinance be adopted increasing Covina's sale tax by three-quarters of a percent generating approximately \$5,100,000 annually until ended by voters, requiring audits, public, disclosure, funds used only in Covina?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure CK** (Prop 39 bond) 39.86% (Uncertain)

To relieve student overcrowding and improve the education environment; renovate and/or modernize Acton, Agua-Dulce, Meadowlark and High Desert; finish Vasquez construction projects; provide 21st century learning technology; and to strengthen campus security, shall the Acton-Agua Dulce Unified School District issue \$7,500.000 of bonds at legal rates, repayment averaging \$523.000 annually while bonds are outstanding, at a rate of approximately \$14.70 per \$100,000 of assessed value, with annual audits plus independent citizens' oversight committee and NO money for administrator salaries?

Non-conforming offenses for this ballot statement include:

- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]
- uses argumentative language - ELC 13119(c)[4]
- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- no duration of the tax to be levied - ELC 13119(b)[3]

- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- word count of 76 exceeds statutory limit - EDC 5322/ELC 13247

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**Measure CS** (parcel tax) (Uncertain)

Cudahy Public Safety Services Measure. To provide dedicated funding for public safety services (including police services, code and parking enforcement), shall the City establish a parcel tax subject to citizen oversight that expires in 10 years on land parcels at a rate of \$343/year per parcel for single family residential parcels; \$556/year per dwelling unit for multi-family parcels; and between \$3,500 to \$112,000/year per parcel for other parcels to raise approximately \$5,000,000 per year?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- word count of 77 exceeds statutory limit - EDC 5322/ELC 13247

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**Measure CT** (cannabis business tax) (Uncertain)

Commercial Cannabis Activity Tax. To fund general municipal expenses such as police, fire, roads, and recreation, shall the City tax cannabis (marijuana) businesses at an annual rate not to exceed 10% of gross receipts for all commercial cannabis activities conducted in the City which is expected to generate an estimated \$1.2 million to \$1.6 million annually and will be levied until repealed by the voters or the City Council?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

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**Measure ES** (Prop 39 bond) 59.54% (Passing)

To upgrade classrooms, science labs, libraries, career training facilities and instructional technology to support student achievement in science, technology, engineering, arts and math, improve student safety, acquire, construct/repair classrooms, facilities, sites/equipment, repair roofs, plumbing/electrical systems, shall this El Segundo Unified School District measure authorizing \$92,000,000 in bonds at legal rates, levying 4.3 cents/\$100 assessed value, \$5,500,000 annually while bonds are outstanding, be adopted, with independent oversight, no money for administrator salaries, all money staying local?

Non-conforming offenses for this ballot statement include:

- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- no duration of the tax to be levied - ELC 13119(b)[3]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]

**Measure GO** (Prop 39 bond) 56.13% (Passing)

MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT JOB TRAINING, COLLEGE TRANSFER, CLASSROOM REPAIR, SAFETY MEASURE. To upgrade job training/college transfer/vocational classrooms, science, computer/technology labs, improve student safety, veterans' career resources, access for disabled students; remove asbestos, replace deteriorating roofs, gas, electrical/sewer lines; acquire, construct, repair sites, facilities, equipment; shall Mt. San Antonio Community College District's measure authorizing \$750,000,000 in bonds, at legal rates, levying 2.5 cents/\$100 assessed valuation, \$37,000,000 annually while bonds are outstanding, be adopted, requiring annual audits/citizen oversight?

Non-conforming offenses for this ballot statement include:

- uses argumentative language - ELC 13119(c)[4]
- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- no duration of the tax to be levied - ELC 13119(b)[3]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure HS** (Prop 39 bond) 66.43% (Passing)

EL MONTE UNION HIGH SCHOOL DISTRICT REPAIR, STUDENT SAFETY, QUALITY TEACHING MEASURE. To upgrade all neighborhood high schools, attract quality teachers by improving school security, emergency communications/fire safety, classrooms, science, engineering/computer labs; repairing leaky roofs; providing safe drinking water; acquiring, constructing, repairing sites, facilities, equipment, shall El Monte Union High School District's measure authorizing \$190,000,000 in bonds at legal rates, levying 3 cents/\$100 assessed value, \$9,700,000 annually for local high schools while bonds are outstanding, be approved, requiring independent audits/citizen oversight?

Non-conforming offenses for this ballot statement include:

- uses argumentative language - ELC 13119(c)[4]
- no duration of the tax to be levied - ELC 13119(b)[3]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure LL** (Prop 39 bond) 58.88% (Passing)

To repair and modernize aging classrooms/school facilities at local elementary/intermediate schools, repair termite damage, dry rot, deteriorating roofs, plumbing, and electrical, improve student safety/security, and upgrade classrooms, science labs, and facilities to support student achievement in math, science, technology, and arts, shall Lowell Joint School District issue \$48,000,000 in bonds at legal rates, an estimated 3 cents per \$100 assessed valuation (\$3,000,000 annually) for approximately 33 years, with citizen oversight and all money locally controlled?

Non-conforming offenses for this ballot statement include:

- uses argumentative language - ELC 13119(c)[4]
- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure LP** (transactions and use tax) (Uncertain)

THE CITY OF LA PUENTE PUBLIC SAFETY, VITAL SERVICES AND NEIGHBORHOOD PROTECTION MEASURE. To keep neighborhoods safe; improve 9-1-1 emergency response services; increase sheriff's deputies' patrols; expand after-school tutoring, mentoring, gang, and drug prevention programs; economic development; job training; senior services; water conservation; create jobs; fix potholes, local streets; increase graffiti/trash removal; provide other general fund services; shall the City of La Puente sales tax be increased by a half-cent (0.50%), generating about \$1.5 million dollars annually, until ended by voters, requiring citizens oversight, all funds spent in La Puente?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]
- word count of 85 exceeds statutory limit - EDC 5322/ELC 13247

**Measure PC** (cannabis business tax) (Uncertain)

CANNABIS BUSINESS TAX MEASURE. To fund City services such as public safety activities and enforcement, crime prevention and other general services, shall the City tax cannabis (marijuana) businesses at annual rates up to \$10.00 per canopy square foot for cultivation, and up to 6% of gross receipts for all other cannabis businesses; which is expected to generate an estimated \$400,000 to \$500,000 annually, until repealed by the voters?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]

- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

**Measure PG** (transactions and use tax) (Uncertain)

POMONA PUBLIC SAFETY, HOMELESSNESS AND ESSENTIAL CITY SERVICES PROTECTION MEASURE. To maintain/prevent reductions to City services including 911 emergency response times, police/fire protection, drug/gang-prevention, youth/after-school/park programs, address homelessness; fix streets/potholes, maintain library services, provide senior, business development and other general services for the City of Pomona, shall the measure establishing a  $\frac{3}{4}\%$  sales tax providing approximately \$12,000,000 annually, ending after a period of 10 years, requiring public disclosure, oversight, all funds for Pomona?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- word count of 77 exceeds statutory limit - EDC 5322/ELC 13247

**Measure QS** (parcel tax) 59.51% (Uncertain)

To attract and retain quality teachers and staff, provide local funding to maintain low class sizes, expand college and career courses, increase mental health support, expand instruction in science, technology, engineering, arts and math programs, shall the Burbank Unified School District levy 10 cents per square foot of improved property annually, providing approximately \$9,000,000 in annual local funding the state cannot take away until ended by voters, with senior citizen exemptions and independent oversight/audits?

Non-conforming offenses for this ballot statement include:

- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)

**Measure WE** (Prop 46 bond) 65.09% (Uncertain)

To modernize classrooms and support facilities, integrate school facilities with academic programs, increase student access to computers and modern classroom technology, improve student safety, and qualify the District to receive State grants, shall the Wilsona School District issue \$6,500,000 in bonds at legal rates, levy an estimated 0.03 cents/\$100 of assessed value, raising an average \$351,916 annually while bonds are outstanding, with regular expenditure transparency measures including annual audits, and no money for administrator salaries?

Non-conforming offenses for this ballot statement include:

- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]

- no duration of the tax to be levied - ELC 13119(b)[3]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]

**Measure SMS** (Prop 39 bond) 68.01% (Passing)

SANTA MONICA CLASSROOM REPAIR AND 21st CENTURY EDUCATION BOND: To improve, repair, and modernize outdated Santa Monica classrooms, science labs, libraries, instructional technology and other school facilities; improve school safety/security systems; shall Santa Monica-Malibu Unified School District's School Facilities Improvement District No. 1 (Santa Monica Schools) issue \$485 million of bonds at legal interest rates, averaging \$27.4 million raised annually to repay issued bonds through final maturity, from levies estimated at four cents per \$100 assessed value, with citizens' oversight, annual audits, and all funds benefitting Santa Monica schools?

Non-conforming offenses for this ballot statement include:

- uses argumentative language - ELC 13119(c)[4]
- benefits language to create prejudice for the measure - ELC 13119(c)[4]
- not in the form "Shall the measure (stating the nature thereof) be adopted?" - ELC 13119(a)
- omission of maximum rate of interest - EDC 15122[3]
- use of title to create prejudice for the measure - ELC 13119(c)[4]
- objectively false or deceptive statement in synopsis - ELC 13119(c)[1]
- word count of 82 exceeds statutory limit - EDC 5322/ELC 13247

**Failure of Measures to Qualify Under the Requirements of Proposition 39**

Beyond your willful failure to conform the ballot statements to the statutory requirements, you have failed to qualify the Proposition 39 measures themselves with respect to the constitutional requirements that the measures claim to avail themselves of, to wit:

1) prohibit the use of bond proceeds for any purpose, including salaries and operating costs, other than the construction, reconstruction, rehabilitation, and replacement of school facilities [Art. XIII A, Section 1(b)(3)(A)], and

2) present to the voters, before they vote, a list of the specific school facility projects to be funded by the proceeds. [Art. XIII A, Section 1(b)(3)(B)]

Each and every one of the measures contains language specifically intended to avoid the limitations as to the authorized uses of the bond proceeds.

Each and every one of the measures contains language specifically intended to expend bond proceeds on purposes other than construction of school facilities. Among the unauthorized purposes, the measures explicitly purport to authorize expenditures for administration and operating costs, notwithstanding the explicit prohibition of Proposition 39.

Each and every one of the measures contains language specifically intended to expand the project list to anything and everything under the sun, all to be determined at a later date.

Your failure to qualify Proposition 39 measures appearing on the ballot is, similarly, an offense against the elective franchise.

## **Impartial Analysis**

The allegedly impartial analysis of measures in which county counsel is required to present independent, impartial legal opinions, is merely a regurgitation, often using direct quotations, of language from the measure itself or from the tax rate statement.

A reading of the analysis provides the voting public with no insight that is not already in the other materials in the voter information guide. The highlight of the analysis appears to be that "Yes" means "Yes" and "No" means "No." Woe to those without a top-notch public education who might be confused.

Moreover, county counsel fails to address the requirements of the Elections Code and, for school bond measures, the Education Code with respect to the ballot statement. County counsel also fails to address the language that purports to override the qualification restrictions with respect to Proposition 39 measures.

The effect of a wholly uncritical opinion is that those voters who read the Impartial Analysis are misled by a putatively authoritative source.

## **Conclusion**

By allowing proponents to avoid mandatory disclosure requirements, no one can know, with any degree of certainty, what the will of the voters might have been had they been presented with an honest ballot containing all mandatory disclosures, containing no false or misleading statements, and containing no argumentative or prejudicial language.

As one state supreme court has held:

No one can say with any certainty what the vote of the electorate would have been if the voting public had been given the whole truth, as mandated by the statute, and had been told "the chief purpose of the measure."

Those who object to forced taxation through the fraudulent and unlawful ballot statements and measures have been injured due to your foregoing willful failures to follow the law. The only adequate remedy for this total contempt and disregard of the laws enacted to guarantee a fair and impartial election process is that you not certify the elections identified above.

Sincerely,

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California School Bonds Clearinghouse

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Former Executive Director of Contra Costa Taxpayers Association

Bruce Boyer  
Candidate for Sheriff, Ventura County

Bernadette Chenard-Hsing  
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