

Rogers, Kristina

From: Brechtel, Josh
Sent: Tuesday, October 15, 2024 7:14 AM
To: Rogers, Kristina
Subject: Public comment from attorney Ms. Long

Dear Ms. Judge:

Thank you for reaching out with your concerns regarding Measure D. The County is very familiar with Election Code 13119, which was specifically brought forward in 2019 to address issues with ballot questions for "measure authorizing the issuance of bonds or the incurrence of debt." We have also reviewed all of the court decisions and attorney general decisions on this Code Section, and understand the complexity and nuances that come into play with election law. We do not disagree that ensuring that the ballot question is accurate is of the highest importance, which is why, in addition to multi-level internal review, we work with the California Department of Tax and Fee Administration to review every word before it goes to the voters. This question, and every other word in the resolution and ordinance, were reviewed and approved by Judy Wong and Olivia Siu of CDTAF.

Regardless, and rest assured, if this measure is passed it will not expose the County to any possibility of invalidation. First, the State has already agreed to accept it, and, second, it is illegal to challenge a ballot measure after the election. Courts have consistently held that plaintiffs cannot bring statutory claims based on defective ballot materials after the election. [*Owens v. County of Los Angeles* \(2013\) 220 Cal.App.4th 107, 123](#) [*People ex rel. Kerr v. County of Orange* \("Kerr"\) \(2003\) 106 Cal.App.4th 914, 931-932](#).

We really appreciate your comment about understanding the need to provide more law enforcement services to our community. The lives of our neighbors depends on it, and we appreciate anyone who steps up to be part of the solution.