



## City Attorney's Office

990 Palm Street, San Luis Obispo, CA 93401-3249  
805.781.7140  
[slocity.org](http://slocity.org)

August 10, 2017

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> St, 2<sup>nd</sup> Floor  
Sacramento, CA 95814

Secretary Padilla:

I am the City Attorney for the City of San Luis Obispo. The City is aware that a complaint dated August 3, 2017 has been filed with your office regarding the manner in which the City is conducting its local, special election on initiative measure B-17, to be held on August 22, 2017.

The City disagrees with the characterization of issues presented in the complaint, the legal conclusions advanced, and the propriety of the remedy sought. However, we do not think it is necessary to debate those allegations. My purpose in writing is to ensure that your office has all relevant information regarding the status of this matter and is aware that neither the complainant, nor any other person, pursued any timely legal review or challenge to the actions at issue, as provided under the Elections Code. Having failed to address any concerns to a court, as the Elections Code provides, the complainant should not now be permitted to do an end run around the judicial review process and seek to have your office interfere in an imminent local election at this late date.

At this point, the election on initiative measure B-17 has been called for August 22, 2017; the ballot materials have been printed and mailed; some 4,000 ballots have been submitted to the County elections office; and the election date is less than two weeks away.

On May 16, 2017, the City Council called for the election on the measure to be held on August 22, 2017. The ballot question complained of was adopted as part of the ballot materials approved by the Council on May 16 and has been publicly available since that time.

I submitted the impartial analysis of the measure to the City Clerk on May 30, 2017, pursuant to Elections Code Section 9280, and the City Clerk made the analysis available for 10-day examination as required by Elections Code 9295.

The ballot materials, including the question complained of, were not approved for print until July 10, 2017 – almost two months after the Council approved the ballot materials and adopted the ballot question. The Council acted at a noticed, public meeting, in which the complainant and/or his representative submitted substantial oral and written comments.

Elections Code section 9295 provides:

*During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held ... may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.*

*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 this 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.*

Again, despite ample opportunity and assistance by legal counsel (also a proponent of the measure), who repeatedly claimed substantial knowledge of the Elections Code, no legal challenge under the Elections Code was filed by the complaining party, or any other person at any time, let alone within the 10-day public examination period. Now, having failed to request or receive timely judicial review and determination regarding any of his allegations, the complaining party requests that your office substitute its judgment for that of a court.

The approach being pursued by the complainant plainly seeks to circumvent the established process for review under which the allegations could have been subjected to expedited judicial scrutiny. Accordingly, the City respectfully requests that your office decline to intervene at this late stage in the City's local election and permit the local electoral process to decide this issue, as is favored by both the Elections Code and courts reviewing electoral issues.

I appreciate your consideration and would be happy to answer any questions you may have regarding this matter.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal line extending to the right.

Christine Dietrick  
City Attorney  
City of San Luis Obispo



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August 10, 2017

Hon. Xavier Becerra  
Attorney General's Office  
California Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244

Attorney General Becerra:

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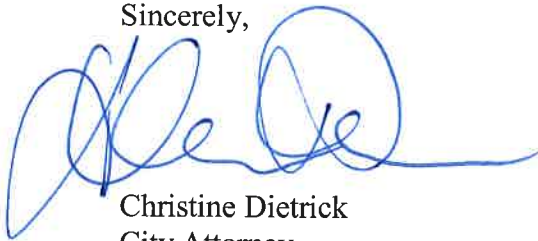
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Christine Dietrick  
City Attorney  
City of San Luis Obispo