

Editorial

Impartial analyses in voter guides aren't always impartial

East Bay voters beware: County and city attorneys keep putting their thumbs on the election scales with ballot summaries that omit or distort key information.

It's bad enough that the wording of ballot measures often misleads. Now, with increasing frequency, we're noticing the so-called "impartial analysis" in the accompanying voter guide also cannot be relied on for evenhandedness and transparency.

In our endorsement editorials, we have tried to expose the deception. Please read them at www.eastbaytimes.com/endorsements. Meanwhile, we want to give you just a sampling of the land mines to look out for when reading ballot material before voting in Tuesday's election.

CONTRA COSTA MEASURE J — From the ballot wording, voters would never know that this measure would double the county's 0.5% transportation sales tax. It's only in the second paragraph of the impartial analysis that the county counsel discloses that Measure J would "supplement" the existing tax.

Originally, the analysis was slightly more direct, telling voters in the first paragraph that the measure would authorize an "additional" 0.5% tax to fund transportation. But that language was changed. "The removal of the word 'additional' was an internal decision of this office," says Chief Assistant County Counsel Mary Ann Mason. She refuses to explain why.

ALAMEDA COUNTY MEASURE C — The ballot wording makes clear that this would increase the county sales tax by 0.5% for 20 years. But neither the ballot wording nor County Counsel Donna Ziegler's analysis provides context. It turns out that Measure C would increase the countywide sales tax from 9.25% to 9.75%, making it the highest countywide rate in California.

Ziegler's analysis omits another key piece of information: whether majority or two-thirds approval is needed for passage. This is information typically contained

in the impartial analyses, but in this case there's legal uncertainty about the threshold. Voters deserve to know about that uncertainty.

UNION CITY MEASURE U — City officials bill this as an eight-year parcel tax extension. In his analysis, City Attorney Christopher Kokotaylo perpetuates that fiction, saying the measure would "extend an existing special tax."

In fact, Measure U would increase the tax and the annual inflation adjustment in future years. Kokotaylo admitted to us that he knew about the differences, but repeatedly refused to answer our question about whether omitting that information was deliberate.

ALAMEDA SCHOOL DISTRICT MEASURE A — This parcel tax, at \$0.265 per square foot, works out to \$447 annually for an average single-family house. Ziegler, the Alameda County counsel, writes in her analysis that the tax would be "for the specific purposes of attracting, recruiting, and retaining teachers and school employees, such as counselors."

Here's the untold story: Measure A stems from a teachers' union contract agreement, in which they were given a 4% raise — and a promise of an additional 9% if Measure A passes. Under "me too" provisions, if the teachers get a raise, so too do all other employees. Those raises would swallow up all the Measure A funds.

MORAGA SCHOOL DISTRICT MEASURE M — The ballot wording calls it a renewal of an existing parcel tax. The Contra Costa County counsel analysis calls it an extension. Both are disingenuous.

Read the wording carefully. It says the new tax would last "until repealed by voters" — translation, it's permanent. It doesn't mention that the deletion of an expiration and the inclusion of an annual inflation adjustment would be new. And there is no mention that the tax would be piled on top of another, \$325 permanent parcel tax for the same district.

Attorneys entrusted to impartially analyze ballot measures should be fully transparent. They should do better than this.

**ELECTION
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