



Elections



Our attorneys are knowledgeable in all aspects of municipal elections. We have prepared ballot measures, written measure analysis, advised election officials on code compliance questions, dealt with initiative and recall questions, written campaign finance ordinances, and dealt with an endless number of other questions, from absentee ballots, election signs, State and Federal Voting Rights Act issues, and all subjects in between. We have provided election consulting services to various city clerks and other public officials in over 100 elections.

Election cases must be brought and defended immediately and aggressively since election deadlines give such disputes priority over other matters. We have had great success litigating complex and high-profile matters under the California Elections and Government Codes. Our attorneys have also testified before State legislative committees on reforming the electoral process.

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Expertise

- Federal Voting Rights Act
- California Voting Rights Act
- Calling and holding of special elections
- Initiative, referenda and recalls
- Political Reform Act
- Impartial City Attorney analyses
- First Amendment litigation
- Absentee Ballot voting
- Contested elections and recounts
- Ballot arguments and designations
- Political sign laws
- Public information campaigns
- Electronic voting



Expertise in Action

Our Firm's reputation for fair, impartial handling of election matters has earned us praise from our clients. When called upon to litigate election matters, we are highly experienced, having handled the most difficult and high-profile election cases, including election contests.

For example, we represented a city clerk and her volunteer elections board in an election contest challenging the results of a city council election. The litigants claimed the city committed errors in ballot counting, allowed non-qualified persons to vote, and failed to secure ballots. We successfully defended the City Clerk's handling of the election in all respects.

Another example is our representation of a city in a lawsuit challenging nine parts of the Arguments in Support of a city-initiated ballot measure, as well as the ballot question chosen by the city. We defeated every challenge.

We successfully defended a city in litigation brought by an elected official against the city. The case involved the official's true residence and whether a proceeding in *quo warranto* constituted the exclusive remedy for addressing this dispute. We successfully defended the city's removal of this public official from office due to lack of residency before the Los Angeles County Superior Court, the California Court of Appeals, and the California Supreme Court.

Other recent examples include the following:

Encinitas Library Initiative 2002 - Analysis of this land use initiative required review of the initiative for compliance with legal requirements both procedurally and substantively. The initial submittal was procedurally inadequate. In addition, the petition was substantively deficient in that it was directory in nature rather than self-enacting. The analysis prepared by Ms. Biggs in this matter is attached for your reference.

Banning Tax Election Proposal 2006 - Analysis of the election procedures and requirements for putting a transient occupancy tax for police and fire services funding.

Loma Linda - Prepared a growth management initiative and referendum which were processed through the election process (2005-7); processed referendum petition on land use issues through election process and court challenges.

City of Redlands - Measures U (1997) and H (2001) - Prepared and processed growth management initiatives through the election process. Litigated challenge to ballot arguments. (*Beswick v. Verjil*, Case No. SCVSS129518).

City of San Bernardino - Litigation regarding ballot measure arguments and impartial analysis. (*Clarke v. San Bernardino Bd. Sups.*, Case No. SCVSS 70176) and (*McCammack v. Gonzalez*, Case No. 70193).

Los Osos Community Services District - Prepared and processed initiative petition (2005) establishing land use standards for location of waste water treatment facilities within the District.

Sierra County - Prepared and processed 'Right to Develop Property' petition for the Citizens' Alliance for Property Rights (2012).

Yucca Valley Measure U 2012 - Advise the Town of Yucca Valley on ballot measure initiative and election process on a proposed sales tax measure.

Signal Hill - "Taxpayers Right to Know and Vote" Proposed Measure 2012-2013 - Analysis of a proposed measure to amend the city charter to increase voting thresholds on all taxes, assessments, fees, charges and bond indebtedness.