



# City of Palm Springs

## Office of the City Attorney

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May 1, 2018

To Whom it May Concern:

The City Council is responsible to make sure residents are well informed about ballot measures that impact their lives. Staff has received several resident complaints regarding a City-published informational postcard regarding Measure C entitled "Palm Springs Voter Information," and mailed to registered voters at City expense. The mailer's introductory heading contained a neutral summary of the legal decision before residents when they vote on Measure C. The body of the postcard contained (1) a bulleted factual summary of the operation of the City's current vacation rental ordinance, and (2) bulleted references to several potential impacts of Measure C.

The law prohibits publicly-funded mailers that expressly advocate the passage or defeat of any ballot measure. A City-funded mailer must be a fair presentation of facts serving an informational purpose, and may not be campaign-material. As City Attorney, I reviewed the mailer's form and content as to compliance with all applicable law. This mailer was completely legal.

The City Council did not receive final information about Measure C impacts, in compliance with the California Elections Code, until April 18, 2018. Established City practice with respect to any proposed ballot measure is that the City sends voters educational material addressing issues raised. Before sending the mailer on April 26, 2018, City staff required a few days to evaluate potential content and ensure compliance with all applicable law.

The City understands and respects the passion expressed by residents with respect to Measure C on both sides. The City's mailer places data and information about this important matter in the hands of residents to inform their decision, and thereby advance the public welfare.

Respectfully,

**THE CITY OF PALM SPRINGS**

Edward Z. Kotkin  
City Attorney