



**OFFICE OF THE CITY CLERK**

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366

**RECEIPT REJECTING REFERENDUM PETITION**

Petition Name: Referendum Against an Ordinance Passed by the City Council;  
Ordinance No. 18-2178

A total of 24 petition sections protesting the adoption of Ordinance No. 18-2178 were submitted to my office on October 29, 2018. These sections were in a 202-page, spiral-bound format. The page marked "Petition Signatures, Page 1 of 34" contained the title of the petition, a notice to the public, a statement of intention, and six signature blocks. The pages marked "Petition Signatures, Page 2 of 34" through "Petition Signatures, Page 33 of 34" each contained the title of the petition, a notice to the public, and nine signature blocks. The page marked "Petition Signatures, Page 34 of 34" contained the title of the petition, a notice to the public, six signature blocks, and a declaration of the circulator.

Following "Petition Signatures, Page 34 of 34" was a copy of Ordinance No. 18-2178 consisting of six pages, the sixth of which contained Exhibit Z-1 to Ordinance No. 18-2178. The following page of the petition contained the City Clerk's certification as to the correctness of Ordinance No. 18-2178. Following the City Clerk's certification was an 11x17 bifold color page purporting to contain Exhibit Z-2 to Ordinance No. 18-2178 and entitled "City of Cupertino Zoning Map." The next four pages of the petition contained color enlargements of sections of the 11x17 bifold color page, each showing approximately one-quarter of the image depicted on the 11x17 color page. Following these four pages, the petition contained a copy of Resolution No. 18-084, consisting of five pages, followed by Exhibits EA-1 and EA-2 to Resolution No. 18-084, which comprised the balance of the 202-page petition.

Elections Code section 9238(b)(2) requires each section of a referendum petition to contain "the text of the ordinance or the portion of the ordinance that is the subject of the referendum." The required "text" includes any documents attached to or incorporated by reference into the ordinance that is the subject of the referendum.

I find that the petition sections submitted to my office do not actually or substantially comply with Elections Code 9238(b)(2) because they do not contain an accurate copy of the "City of Cupertino Zoning Map," which was attached as Exhibit Z-2 to Ordinance No. 18-2178. The pages in each petition section purporting to contain Exhibit Z-2 reflect several substantial differences from the true and correct version of Exhibit Z-2 that was attached to Ordinance No. 18-2178 as adopted by the City Council and as maintained by my office and provided to the referendum proponents. Those differences, moreover, appear to reflect major changes made by the person or persons who prepared the referendum petitions.

For the foregoing reasons, I am required to reject the petition sections as not complying with the procedural requirements of the Elections Code.

All signatures were presented on petition sections in the format described above. As a result of this analysis, and because all of the petition sections are defective, I find that there are no signatures on valid petition sections. Therefore, I am rejecting the petition sections and taking no further action on this referendum petition.



2/13/19

---

Grace Schmidt, City Clerk

---

Date