

Date of Hearing: March 22, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Evan Low, Chair

AB 195 (Oberholte) – As Amended March 14, 2017

SUBJECT: Local initiative measures: ballot printing specifications.

SUMMARY: Requires the ballot statement for *all* local ballot measures that impose a tax or raise the rate of a tax to include specified information about the tax, instead of making such a requirement applicable only to local initiative measures. Specifically, **this bill**:

- 1) Requires the ballot statement for *all* local ballot measures that impose a tax or raise the rate of a tax, including measures authorizing the issuance of bonds or the incurrence of debt, to include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied, instead of making such a requirement applicable only to local initiative measures (i.e., measures that are placed on the ballot through a petition signed by voters of the local jurisdiction).
- 2) Requires the ballot statement for a local ballot measure to be a true impartial synopsis of the purpose of the proposed measure and be in language that is neither argumentative nor likely to create prejudice for or against the measure.
- 3) Defines "local governing body," for the purposes of this bill, to mean the governing body of a city, county, city and county, including a charter city or charter county, or district, including a school district.

EXISTING LAW:

- 1) Requires ballots used when voting upon a proposed county, city, or district ordinance submitted to voters as an initiative measure to have printed on them a specified statement describing the proposed ordinance.
- 2) Requires the ballot, if a proposed local initiative imposes a tax or raises the rate of a tax, to include in the statement of the ordinance to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

This bill is a technical cleanup to AB 809 (Oberholte) which was signed by Governor Brown in 2015. AB 809 enhanced transparency by adding new information to the ballot label, specifically, the rate of the tax increase, its duration, and an estimate of the amount of revenue to be raised. However, due to a drafting error, AB 809 was not as comprehensive as it needed to be because it

did not apply to [measures] placed on the ballot by local government entities. It has been interpreted to only apply to [measures] brought forward by citizens via signature petition. AB 195 corrects this discrepancy and ensures that this important information is included in the ballot label for all local tax measures.

- 2) **Ballot Form:** Current law requires a ballot to comply with a variety of laws that dictate its content. For example, a ballot must contain the title of each office, the names of all qualified candidates, as specified, ballot designations, as specified, titles and summaries of measures submitted to voters, and instructions to voters, among other things. Moreover, current law requires a ballot to be printed in a certain form, as specified. Once all of these requirements are met, there is limited space left on the ballot to accommodate further requirements. Consequently, it is common practice to include other important election information in the sample ballot or ballot pamphlet that is sent to all registered voters.
- 3) **AB 809 (Obernolte) and *City of Carson v. Logan*:** In 2015, the Legislature passed and the Governor signed AB 809 (Obernolte), Chapter 337, Statutes of 2015, which required the ballot, if a proposed local initiative imposed a tax or raised the rate of a tax, to include in the statement of the ordinance the amount of money to be raised annually and the rate and duration of the tax to be levied. AB 809 took effect in January 2016.

Last year, the city of Carson, joined by six other cities in Los Angeles County, filed a lawsuit in the Los Angeles County Superior Court arguing that the ballot label for a local tax measure on the November 2016 general election ballot, Measure M, violated ballot label requirements under existing law for local tax measures (*City of Carson, et al., v. Dean Logan, Registrar-Recorder/County Clerk of the County of Los Angeles (2016) Case No. BS164554*). According to court documents, the petitioners contended that the Measure M ballot label violated Elections Code Section 13119 (b) because it did not state the amount of the money to be raised annually, it did not accurately state the rate of the tax, and it did not provide the duration of the tax to be levied. In opposition, the Respondents argued that Elections Code Section 13119 (b) applies only to initiative measures that qualify for the ballot through a petition signed by voters of the local jurisdiction. Moreover, Respondents argued that Measure M originated from the Los Angeles County Metropolitan Transportation Authority's Board of Directors as authorized under by Section 130350.7 of the Public Utilities Code, and as a result was not an initiative measure. The court ruled in favor of the Respondents.

According to the author, this bill clarifies current law to better reflect the intent of AB 809 (Obernolte) and ensures the ballot label for *all* local tax measures placed on the ballot, not only initiative tax measures, are required to include the rate of the proposed tax increase, its duration, and an estimate of the amount of revenue to be raised.

REGISTERED SUPPORT / OPPOSITION:

Support

California Taxpayers Association
Mayor Albert Robles, City of Carson

Opposition

None on file.

Analysis Prepared by: Nichole Becker / E. & R. / (916) 319-2094