

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Evan Low, Chair

AB 1333 (Dababneh) – As Introduced February 17, 2017

SUBJECT: Political Reform Act of 1974: local government agency notices.

SUMMARY: Requires local government agencies that have an Internet web site to prominently post on that site a notice of any upcoming election in which the voters will vote on a tax measure or proposed bond issuance of the agency, as specified. Specifically, **this bill:**

- 1) Requires every local government agency with an Internet Web site to prominently post on that site a notice of any upcoming election in which the voters will vote on a tax measure or proposed bond issuance of the agency.
- 2) Requires the notice to be posted on the agency's Internet Web site within seven days of either the governing body of the agency voting to place the tax measure or proposed bond issuance on the ballot or the tax measure or proposed bond issuance qualifying to be placed on the ballot as in initiative measure.
- 3) Requires the notice to be posted on the homepage of the agency's Internet Web site unless a clearly labeled direct link to the notice is placed on the homepage.
- 4) Requires the notice to include the date of the election at which the tax measure or proposed bond issuance will be voted on and a brief common language description of the tax measure or proposed bond issuance.
- 5) Requires every local government agency that publishes an electronic newsletter to include the notice required above in the electronic newsletter.

EXISTING LAW requires an elections official, whenever a county, city, or district ordinance is submitted to the voters of the local jurisdiction at any election, to print the ordinance. Requires a copy of the ordinance be made available to any voter upon request.

FISCAL EFFECT: Unknown. State-mandated local program; contains crimes and infractions disclaimer; contains reimbursement direction.

COMMENTS:

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

AB 1333 will provide property owners with more advance notice of upcoming tax levies or bond measures that will appear on local election ballots.

- 2) **Why Only Tax and Bond Measures?** Existing law requires an elections official, whenever any local county, city, or district ordinance is submitted to the voters of the local jurisdiction at any election, to print and make a copy of the local ordinance available to any voter upon request. In practice, if a local government agency is holding an election it is common for the corresponding election department for that local jurisdiction to post information about the election on its Internet web site. This bill additionally requires the local government agency

with an Internet web site to post a notice of any upcoming election in which voters will vote on a tax measure or proposed bond issuance of the agency, as specified. The practical effect of this bill requires a county, city, or district to post a notice about an upcoming election only if a proposed tax measure or bond issuance is on the ballot. If other ballot measures are on the ballot, additional information would not be required to be posted. The committee should consider if it's prudent to highlight certain ballot measures and not others. In other words, why should tax measures or bond issues be treated differently than other ballot measures or initiative measures?

3) **Arguments in Support:** The sponsors of this bill, the California Association of REALTORS, writes:

Currently, property owners are required to pay the parcel taxes and for the bonds approved by the voters of a local jurisdiction. If a property owner is a resident of the local jurisdiction that is seeking to enact a parcel tax or issue bonds, that property owner doesn't learn of the proposed parcel tax until they receive their ballot pamphlets weeks before an election. Non-resident property owners – who own a parcel or parcels within a local jurisdiction but reside elsewhere – do not receive any notice whatsoever of a pending parcel tax or bond vote.

While a parcel tax on any one single family residential parcel may be relatively little, the same tax applied to a multi-family building can be extremely costly...Property owners deserve to know as soon as possible whether they may be facing such a tax bill so that they can pay their finances accordingly.

4) **Arguments in Opposition:** In a joint letter of opposition, the California State Association of Counties, the Urban Counties of California, and the Rural County Representatives of California, write with the following concerns with this bill:

- **Unnecessary Notice Requirement:** Counties are already required to place specific items on our website by statute and with regards to elections most counties post on their homepage about any upcoming election with links to their election departments for more information. By singling out specific tax or bond issuance and requiring counties to post on the homepage is duplicative and unnecessary.
- **Timelines Too Restrictive:** AB 1333 requires a local agency to post the specific link within seven days of the action by the local agency or the qualification of the measure on the ballot. This is a restrictive and unnecessary timeframe that does not take into consideration the extensive voter material deadlines provided by elections officials. Elections officials provide significant resources and outreach to the voters on all issues before them on the ballot and we do not believe it is necessary to require this short timeframe for an election that could be months away.
- **County Newsletters Overreach:** This bill would require counties to post a notice in the official county newsletters. This is an unprecedented mandate that represents a great overreach. It is also unclear which specific newsletter this requirement would be applied to since many counties have multiple

newsletters by various departments, county officers or individual supervisors. This new requirement removes a county's ability to control the messaging provided in county newsletters to their constituents.

- 5) **Political Reform Act of 1974:** California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.
- 6) **Double-Referral:** This bill is double-referred to the Assembly Committee on Local Government.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Realtors (Sponsor)
California Taxpayers Association
Howard Jarvis Taxpayers Association

Opposition

California School Boards Association
California State Association of Counties
Rural County Representatives of California
Urban Counties of California

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