

# ClimatePlan

## Ballot Measures & Local Transportation Funding

In California, citizens can vote to levy taxes to raise money. Local option sales taxes (LOSTs) are common sources for local transportation funding that appear on the ballot.

This factsheet will highlight 1) how initiatives are put on the ballot, 2) how ballots pass, and 3) the laws that regulate local ballot measures.

### How Ballot Initiatives Get on the Ballot

There are two ways for initiatives to be put on the ballot:

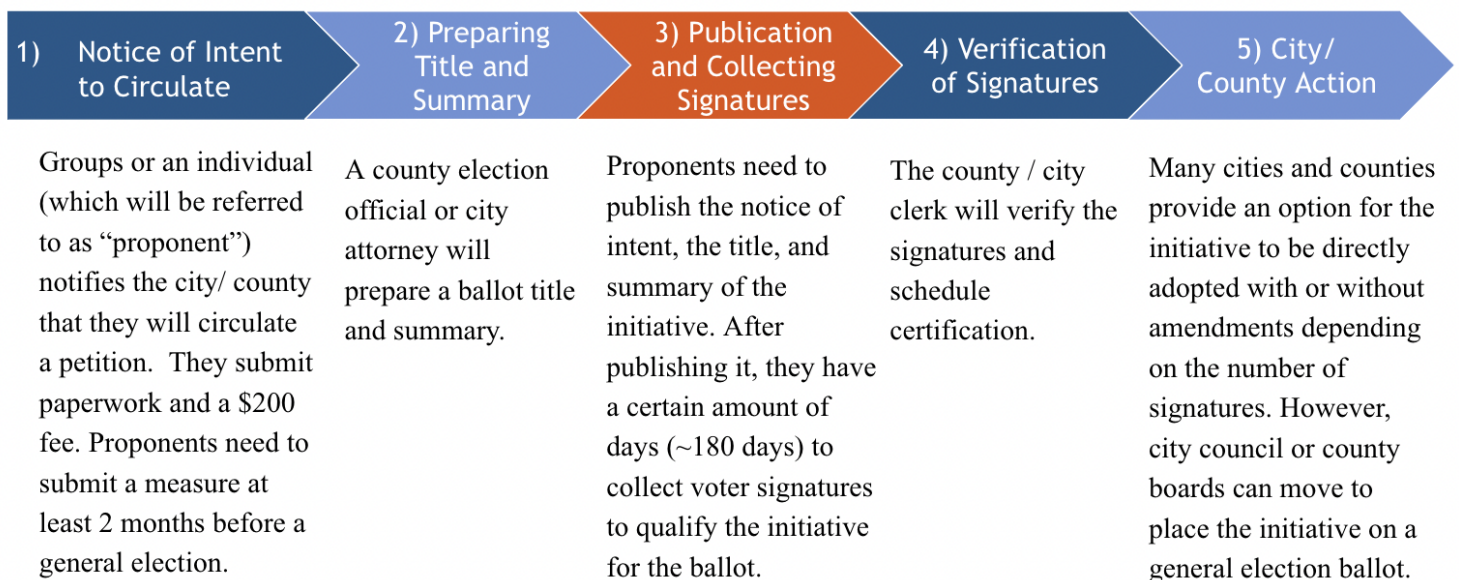
1. Legislative staff can put proposed changes on the ballot. *Note: If the legislature or local government is proposing to raise a tax, the proposal must go on the ballot.*
2. Citizens can place the initiative on the ballot once they collect enough signatures. Signatures requirements and process to collect signatures will vary per county or city. Figure 1 outlines a brief overview of the process.

### Key Definitions:

Initiatives: citizens draft new statute or amendments to the state constitution.

Referendum: citizens can vote to approve or reject parts of or whole statutes passed by the legislature. There are some statutes that cannot be rejected. For example, statutes calling elections or laws that levy taxes are not able to be rejected.

Figure 1: How to get a Citizen Initiative on a Local Ballot



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## How Ballot Initiatives Pass

- Tax increase (which is how local transportation revenue is generated): measures need to pass with  $\frac{2}{3}$  majority vote.
- However, a couple legal cases established precedence that citizen initiatives are different from initiatives placed on the ballot by local government staff. **Therefore, citizen initiatives only need a simple majority to pass, even if it is a tax increase.**

## Regulation for Local Initiatives

The following table presents some of the state's regulations for local initiatives.

Laws on Process for Local Initiatives	Laws on Transparency/ Accountability
<p><u>Article II, (Section 11) Voting Initiative and Referendum, and Recall:</u></p> <ul style="list-style-type: none"><li>• Provides the authority for citizens to create local initiatives and referendums.</li></ul> <p><u>Prop 13:</u></p> <ul style="list-style-type: none"><li>• Sets a <math>\frac{2}{3}</math> voter threshold for any new special tax.</li></ul> <p><u>Prop 26:</u></p> <ul style="list-style-type: none"><li>• Expands the definition of what is considered a tax and tax increase. The result is that more proposals would require a two-thirds threshold vote.</li></ul> <p><u>SB 202 (Hancock, 2011):</u></p> <ul style="list-style-type: none"><li>• Initiatives can only appear on general election ballots.</li></ul> <p><u>Case Law: <i>California Cannabis Coalition vs City of Upland</i> :</u></p> <ul style="list-style-type: none"><li>• Finds local measures placed on the ballot by citizen initiatives are not bound to the same restrictions as those ballot initiatives placed by local government staff.</li><li>• A simple majority is allowed for citizen tax initiatives.</li></ul>	<p><u>AB 354 (Dahle 2013)</u></p> <ul style="list-style-type: none"><li>• Requires a city and/ or county to provide impartial analysis to citizens voting on local ballot measures. The analysis will show the measures' effect on existing law and the impacts of the measure.</li><li>• The ballot measure should clarify if citizens or city entities placed the measure on the ballot.</li></ul> <p><u>AB 510 (Ammiano, 2013)</u></p> <ul style="list-style-type: none"><li>• Requires more transparency around individuals who are experts in advertisements. Local officials should require licensure, certification, or other specialized training for the individual to be an expert</li></ul>

Note: Many ballot measures with local sales tax initiatives have accountability mechanisms and they provide avenues for amendments to expenditure plans. For example, some counties will allow amendments if there is at least a two-thirds vote on the change. There is no standard for amendments or accountability measures.

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