

Local and State Initiatives – The Future of Policy in California?

By [Edward Ring](#)

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Grassroots activists in California point to the initiative process as a potent and underutilized last resort, capable of ushering in sweeping reforms. They're right, but the initiative process is equally available to California's progressives, backed by powerful special interests. And while the activist reformers talk, the progressives act.

How else does one explain the hundreds of local ballot initiatives that are marketed to voters in California's cities and counties every time there's an election, which in aggregate soak taxpayers for billions in new taxes every year? In November 2016, out of [224 local tax proposals](#), voters approved over 70 percent, adding \$2.9 billion in new taxes. In November 2018, out of [259 local tax measures](#), voters approved another estimated \$1.6 billion per year in new taxes.

The vast majority of these tax measures are sponsored by special interests who stand to gain from their passage. In fact, many if not most local tax measures are supported by elected officials representing city and county governments, and they utilize the resources of their agencies to promote these measures. As California Policy Center President Will Swaim [wrote in 2016](#), "Despite multiple legal decisions limiting the practice, municipal

officials in California may be paying outside consultants to run the campaign to sell you on your local tax measure.”

The way public agencies get away with this is under the guise of “educating” the voters about the impact of new taxes. “Education,” of course, is a word with a broad range of defensible meanings, so when you get that flyer with a photo of terrified seniors or vulnerable children, along with “information” on how higher taxes will prevent such tragedies, know that your tax dollars are at work educating you to vote yes on more taxes.

Even if the “multiple legal decisions limiting the practice” of local government agencies campaigning for higher taxes in the name of educating the public [were enforced](#), forces aligned with government would still represent an overwhelming political advantage. Whether they’re crony capitalists, bond issuers, or government unions, they want those taxes flowing straight back to them in the form of contract awards, underwriting fees, and higher pay and benefits.

To campaign for higher taxes, these special interests spend millions, and never quit. In terms of resources they can muster against their opposition, they are akin to the Galactic Empire in the Star Wars movies. Facing this Empire – these major corporations, these massive financial institutions, and the public sector unions – is a rag tag army of rebel activists, grotesquely outgunned.

That’s reality. But reality can change.

Open Source Initiative Logistics for the 21st Century

Critics of making online resources for initiative advocates readily available and replicable fear that reformers will be swamped by progressives making even broader use of these resources. The problem with that logic is that the progressives – and their powerful corporate, nonprofit, and government allies – don't need these resources. They have more than enough money to put whatever they want onto local and state ballots, whenever they want, and they do.

At the state level, a [citizens initiative](#) backed by public employee unions threatens to undermine Prop. 13. At the local level, as noted, in every election there are hundreds of ballot proposals for new taxes and bonds. The danger is not that the Empire will steal the innovations of the rebels, because they're already able to launch as many initiatives as they think voters can handle. They're also able to fight the impact of initiatives in the courts, as proven by their success in [undermining San Diego](#) and [San Jose's pension reform](#) initiatives, both of which were overwhelmingly supported by voters.

While the rebels dither over strategy, the Empire expands into new territory. In San Diego County, a [local citizens initiative](#) aims to require a public vote to approve or disapprove large housing developments in unincorporated areas. This will go before voters in March 2020. Expect more of these sorts of initiatives in front of voters in the future, along with other Empire compliant “progressive” measures such as rent control, forced

high density zoning, and new regulations to enforce urban containment.

Never mind that the effect of these measures are to keep the real estate portfolios of the wealthy soaring and render basic housing unaffordable to low and middle income working Californians.

The true challenge facing reform minded rebels is how to lower the cost of launching state and local ballot initiatives to compete with the progressive Empire. One innovator who has paved the way is Carl DeMaio's [Reform California](#) project based in San Diego. Replicating this work across California would go a long way towards making reform initiatives not only a potent last resort, but a viable and affordable last resort. Some of the features pioneered by DeMaio include:

- Offering officially sanctioned initiative petitions online that are downloadable and printable.
- Preparing all initiative campaign materials on inexpensive websites.
- Using a massive database of text numbers and emails to inexpensively solicit volunteers and petition signers.
- Producing YouTube videos that provide clear and precise instructions to petition signers and signature gathering volunteers, as well as to volunteers who verify signatures.
- Mobilizing volunteer activists, and carefully training them to perform verification of signed petitions.

- Coordinating, nearly all of it through online communications, volunteer networks in every California county, in order to submit signed petitions in absolute compliance with all laws governing the process.
- Utilizing professional signature gathering firms in a nonexclusive, consultative capacity.

There is no reason why these innovations cannot be adopted by citizen groups across California. And there is no reason why the organizations in the vanguard of adopting these innovations cannot share their templates with like-minded organizations throughout the state.

While a successful ballot initiative requires legal research and online expertise, the vastly greater cost is the fees charged by professional signature gathering firms. Using these firms to supplement volunteer signature gathering, instead of the other way around, turns the tables, and is a financial game changer.

Examples of Local Ballot Initiatives

Along with the [San Jose pension reform](#) initiative, and the [San Diego pension reform](#) initiative, there have been ongoing local ballot initiatives sponsored by TeaPAC, a volunteer organization based in Pasadena led by the tax fighter Mike Alexander. In recent years TeaPAC has placed [three initiatives before voters](#) offering them the opportunity to repeal their local utility taxes, in Sierra Madre, Glendale, and Arcadia.

An innovation that might constitute a mortal threat to the Galactic Empire, were it to proliferate to hundreds of cities and counties in California, is being pioneered by a small group of [volunteers in Oxnard](#). Led by Aaron Starr, a local executive with a financial background including a CPA, this group aims to put not one, but *five* initiatives onto the local 2020 ballot.

The cost to qualify one local reform initiative, vs. the cost to qualify five local reform initiatives, is not linear. Typically when a signature gatherer succeeds in getting a registered voter to sign one ballot petition, they'll be willing to sign the rest of them. And when campaigning for reform initiatives, there might be a benefit to having a slate of initiatives. Voters might find it motivating to know that they have a chance to support a coherent package of several mutually reinforcing reforms that offer the potential for dramatic improvements to their local governance.

As summarized [in this article](#) in the Ventura County Star on May 4, 2019, the ballot measures that Starr and his colleagues are circulating for signatures are:

[Oxnard Fiscal Transparency and Accountability Act](#), which would make the city treasurer, an elected official, the head of the finance department.

[Keeping the Promise for Oxnard Streets Act](#), which would deny the city certain sales tax revenue if it fails to maintain streets to specific levels.

[Oxnard Term Limits Act](#), which would limit the mayor and council members to no more than two consecutive four-year terms.

[Oxnard Open Meetings Act](#), which would require city meetings to begin no earlier than 5 p.m. and allow public speakers no less than three minutes to comment.

[Oxnard Permit Simplicity Act](#), which would reform the permitting system with training, new guidelines and an auditing process that would lead an applicant to obtain a permit in one business day.

Clearly if all of these are passed by voters, they will have a comprehensive impact. Imagine the impact of dozens, or hundreds of groups of local activists, applying this same strategy of filing multiple initiatives, in jurisdictions throughout California.

How to File Local Ballot Initiatives

Whether you decide as a local elected official to [embrace an independent citizens initiative](#), or launch one yourself, here's how to get it done:

BACKGROUND

California Elections Code

Division 9: Measures Submitted to Voters, Chapter 3: Municipal Elections

Article 1: Initiative, Sections 9200 – 9226

<https://codes.findlaw.com/ca/elections-code/elec-sect-9200.html>

TIMELINE

Note: It is imperative to seek expert legal advice to verify the details of each step in this process.

1 – Draft ballot measure.

2 – Submit notice of intent to circulate for signatures and wording of measure to City Attorney for Title & Summary and approval to circulate for signatures (15 business days – this may vary).

3 – Have a petition for signatures created which meets all state legal requirements.

4 – Check city’s election code to see if there are any additional requirements or restrictions on petitions for local measures.

5 – Publish legal ad within 10 days (this may vary) of receiving Title and Summary which includes notice of intent and wording of measure in a newspaper adjudicated in the city.

6 – Begin gathering signatures either the same day or one day after receiving Title and Summary.

7 – Once the city attorney grants Title & Summary, the council may conduct a fiscal impact report and present the findings at an upcoming council meeting. Typically, the council is by law prohibited from taking a position on the measure.

8 – Proponents have 180 days (this may vary) starting the day after receiving Title & Summary to gather and submit required valid signatures.

9 – For a local tax repeal, the number of valid signatures required is 5% of the number of people who voted in the last gubernatorial election in that city. It is advisable to get 30-50% additional signatures since the registrar throws out so many signatures as invalid. The closer you can get to 50% the better, but anything less than an additional 30% is very risky.

10 – The city has 30 business days (this may vary) to then verify the signatures.

11 – If the signatures fail to qualify the measure, the city notifies the proponents and returns the petitions for them to check the validation results.

12 – Proponents have a very short period of time where they can challenge any of the signature results.

13 – If the signatures qualify the measure, the city notifies the proponents and schedules the measure as an agenda item for the next city council meeting.

14 – At the next city council meeting the council has the option to either enact the measure immediately, or schedule the measure for an upcoming election.

Ballot Initiatives Are California's Best Hope

At the state and local level, it is clear that ballot initiatives are already a weapon of the corporate/progressive alliance that constitutes a real world version of the oppressive Galactic Empire in the Star Wars movies. But the rebel alliance can and must also wield this weapon.

Using modern online resources and networking activist groups across the state can save millions, even tens of millions, that would otherwise have to be solicited from donors and spent with signature gathering firms. Instead these firms can still be hired, but in nonexclusive consultative roles. And if enough bands of activists launch local ballot initiative projects all over California, these firms will still get plenty of work!

Along with the necessity to launch orders of magnitude more rebel sponsored local initiatives is the opportunity to launch multiple, linked initiatives in each locale, using Oxnard as the example. Doing this would introduce economies of scale both in the signature gathering phase as well as in the campaign phase, since these initiatives can be presented as a unified set of reforms that in aggregate will result in an immediate and transformative impact on local politics.

At the state level the potential also exists for a slate of linked initiatives, also co-marketed for signature gathering as well as during the campaign phase. These initiatives could offer [transformative, constitutional changes](#) affecting California's policies in the areas of housing, the

homeless, law and order, energy, infrastructure, education and pensions. They could be conceived in a manner to offer populist appeal to a broad constituency incorporating all ethnicities and income groups.

These slates of multiple initiatives, both at the state and local level, not only offer voters the chance to transform their communities in one election, they also offer politicians a political platform they can endorse both to support the initiatives and also to define their own candidacies.

California's ruling class, those imperial aristocrats, have pushed the ordinary people of California to the limit. In virtually every area that matters, public education, housing, homeless, roads, utility costs, hostility to business, punitive fees to build homes or open businesses, ridiculously high taxes – California's ruling class has taken from the working poor and given to the rich. They may wield absolute power today. But that can change overnight.

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