OFFICIAL VOTER INFORMATION GUIDE

CALIFORNIA GENERAL ELECTION — NOVEMBER 2, 2004

MAKE YOUR VOICE HEARD

SUPPLEMENTAL

REGISTER LEARN VOTE

- **MAKE YOUR VOTE COUNT**
  Register as a Permanent Absentee Voter
  To receive your ballot in the mail each election, sign up at **www.MyVoteCounts.org.**

- **MAKE AN INFORMED CHOICE**
  Read inside about the statewide issues on the ballot.

- **MAKE YOUR VOICE HEARD**
  Vote on Tuesday, November 2, 2004
  The polls are open from 7 a.m. to 8 p.m. on Election Day.

CERTIFICATE OF CORRECTNESS

I, Kevin Shelley, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the General Election to be held throughout the State on November 2, 2004, and that this guide has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, this 28th day of August, 2004.

Kevin Shelley

Secretary of State

SECRETARY OF STATE

Dear Fellow Voter:

This is the "Supplemental" Voter Information Guide. It contains important information on measures that were placed on the ballot too late to be included in the regular Voter Information Guide. Please make sure you have both Guides.

This will be one of the most significant elections in many years and your vote could make the difference. We all know that many recent elections have been decided by just a handful of votes. Be sure to make your voice heard by voting on November 2nd.

One of the easiest ways to make certain your vote will be cast is to vote by mail. This year, you can also become a Permanent Absentee Voter. By applying for a permanent absentee ballot you will be able to automatically vote by mail in every election. You can apply for an absentee ballot right now by visiting our website at **www.MyVoteCounts.org** or by contacting your local elections official. Don't delay. The last day to apply for an absentee ballot is October 26th, but to make sure you receive your ballot in time you should apply as soon as possible.

Remember, you're a Californian—your vote counts!

my Vote counts

TABLE OF CONTENTS

VOTER BILL OF RIGHTS

1. You have the right to cast a ballot if you are a valid registered voter.
   A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.

2. You have the right to cast a provisional ballot if your name is not listed on the voting rolls.

3. You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.

4. You have the right to cast a secret ballot free from intimidation.

5. You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake.
   If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Absentee voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on Election Day.

6. You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.

7. You have the right to return a completed absentee ballot to any precinct in the county.

8. You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.

9. You have the right to ask questions about election procedures and observe the elections process.
   You have the right to ask questions of the precinct board and election officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.

10. You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's Office.

If you believe you have been denied any of these rights, or if you are aware of any election fraud or misconduct, please call the Secretary of State's confidential toll-free

VOTER PROTECTION HOTLINE
1-800-345-VOTE (8683)

Secretary of State | State of California

PROP 1A

Protection of Local Government Revenues

Summary

Ensures local property tax and sales tax revenues remain with local government thereby safeguarding funding for public safety, health, libraries, parks, and other local services. Provisions can only be suspended if the Governor declares a fiscal necessity and two-thirds of the Legislature concur. Fiscal Impact: Higher local government revenues than otherwise would have been the case, possibly in the billions of dollars annually over time. Any such local revenue impacts would result in decreased resources to the state of similar amounts.

What Your Vote Means

Yes

A **YES** vote on this measure means: State authority over local government finances would be significantly restricted.

No

A **NO** vote on this measure means: The state's current authority over local government finances would not be affected.

Arguments

Pro

Prop. 1A is a historic, bipartisan agreement that prevents the State from taking and using local tax dollars, which local governments use for fire and paramedic response, law enforcement, health care, and other vital services. Join Governor Schwarzenegger, firefighters, law enforcement. PROTECT LOCAL TAXPAYERS AND PUBLIC SAFETY. YES on 1A.

Con

Proposition 1A gives local politicians a spending guarantee without fiscal oversight. It allows the State to permanently raid the property taxes of school districts, but not the property taxes of cities and counties. It locks in the local sales tax rate in the Constitution, preventing the Legislature from ever lowering it.

For Additional Information

For

Yes on 1A Californians to Protect Local Taxpayers and Public Safety
1121 L Street, Suite 803
Sacramento, CA 95814
800-827-9086
info@yesonprop1A.com
www.yesonprop1A.com

Against

Carole Migden, Chairwoman
State Board of Equalization
601 Van Ness Ave., #E3-611
San Francisco, CA 94102

PROP 65

Local Government Funds, Revenues. State Mandates. Initiative Constitutional Amendment.

Summary

Requires voter approval for reduction of local fee/tax revenues. Permits suspension of state mandate if no state reimbursement to local government within 180 days after obligation determined. Fiscal Impact: Higher local government revenues than otherwise would have been the case, possibly in the billions of dollars annually over time. Any such local revenue impacts would result in decreased resources to the state of similar amounts.

What Your Vote Means

Yes

A **YES** vote on this measure means: State authority over local government finances would be significantly restricted. In many cases, the state could not change local governmental finances without approval by the voters at a statewide election.

No

A **NO** vote on this measure means: The state could continue to make changes in local government finances without voter approval at a statewide election.

Arguments

Pro

Con

Our coalition submitted Prop. 65 to the voters, but we are now supporting Prop. 1A—a better, more flexible alternative to protect funding for local taxpayers and local public safety services. Join Governor Schwarzenegger, police, fire, health care, and local government leaders. Yes on Prop. 1A. NO on Prop. 65.

For Additional Information

For

No contact information available.

Against

No contact information available.

PROPOSITION

1A PROTECTION OF LOCAL GOVERNMENT REVENUES

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

Protection of Local Government Revenues

- Protects local funding for public safety, health, libraries, parks, and other locally delivered services.
- Prohibits the State from reducing local governments' property tax proceeds.
- Allows the provisions to be suspended only if the Governor declares a fiscal necessity and two-thirds of the Legislature approve the suspension. Suspended funds must be repaid within three years.
- Also requires local sales tax revenues to remain with local government and be spent for local purposes.
- Requires the State to fund legislative mandates on local governments or suspend their operation.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Significant changes to state authority over local finances. Higher local government revenues than otherwise would have been the case, possibly in the billions of dollars annually over time. Any such local revenue impacts would result in decreased resources to the state of similar amounts.

Final Votes Cast by the Legislature on SCA 4 (Proposition 1A)

Assembly:	Ayes 64	Noes 13
Senate:	Ayes 34	Noes 5

ANALYSIS BY THE LEGISLATIVE ANALYST

Background

Local Government Funding

California cities, counties, and special districts provide services such as fire and police protection, water, libraries, and parks and recreation programs. Local governments pay for these programs and services with money from local taxes, fees, and user charges; state and federal aid; and other sources. Three taxes play a major role in local finance because they raise significant sums of general-purpose revenues that local governments may use to pay for a variety of programs and services. These three taxes are the property tax, the uniform local sales tax, and the vehicle license fee (VLF). Many local governments also impose optional local sales taxes and use these revenues to support specific programs, such as transportation. Figure 1 provides information on these major revenue sources.

State Authority Over Local Finance

The State Constitution and existing statutes give the Legislature authority over the taxes described in Figure 1. For example, the Legislature has some authority to change tax rates; items subject to taxation; and the distribution of tax revenues among local governments, schools, and community college districts. The state has used this authority for many purposes, including increasing funding for local services, reducing state costs, reducing taxation, addressing concerns regarding funding for particular local governments, and restructuring local finance. Figure 2 describes some of these past actions the Legislature has taken.

Requirement to Reimburse for State Mandates

The State Constitution generally requires the state to reimburse local governments, schools, and community college districts when the state

ANALYSIS BY THE LEGISLATIVE ANALYST

FIGURE 1

LOCAL GOVERNMENT TAXES

Property Tax

- Local governments receive general-purpose revenues from a 1 percent property tax levied on real property.
- During the 2003–04 fiscal year, local governments received approximately $15 billion in property tax revenues. (An additional $16 billion in property taxes went to schools and community colleges.)
- There is wide variation in the share of property taxes received by individual local governments. This variation largely reflects differences among local agency property tax rates during the mid-1970s, the period on which the state's property tax allocation laws are based.

Vehicle License Fee (VLF)

- The VLF is a tax levied annually on the value of vehicles registered in the state.
- For about a half century, the VLF rate was 2 percent of vehicle value. In 1999, the Legislature began reducing the rate charged to vehicle owners, with the state "backfilling" the resulting city and county revenue losses.
- During 2003–04, the VLF (set at a rate of 0.65 percent of vehicle value) and the VLF backfill would have provided about $5.9 billion to cities and counties. The state, however, deferred payment of part of the backfill to 2006.
- Under current law, most VLF revenues are allocated to counties for health and social services programs. Some VLF revenues are allocated to cities for general purposes.

Local Sales Tax (Uniform)

- Cities and counties receive revenues from a uniform local sales tax levied on the purchase price of most goods—such as clothing, automobiles, and restaurant meals. This tax is sometimes called the "Bradley-Burns" sales tax.
- During 2003–04, this tax was levied at a rate of 1.25 percent and generated about $5.9 billion.
- Under current law, 80 percent of sales tax revenues is distributed to local governments based on where sales occur—to a city if the sale occurs within its boundaries, or to a county if the sale occurs in an unincorporated area. The remaining 20 percent of local sales tax revenues is allocated to counties for transportation purposes.
- Beginning in 2004–05, local governments will receive additional property taxes to replace some local sales tax revenues that are pledged to pay debt service on state deficit-related bonds, approved by voters in March 2004.

Local Sales Tax (Optional)

- Cities and counties can impose certain additional sales taxes for local purposes.
- During 2003–04, 40 jurisdictions levied these optional sales taxes and generated about $3.1 billion.
- Most revenues are used for transportation purposes.

"mandates" a new local program or higher level of service. For example, the state requires local agencies to post agendas for their hearings. As a mandate, the state must pay local governments, schools, and community college districts for their costs to post these agendas. Because of the state's budget difficulties, the state has not provided in recent years reimbursements for many mandated costs. Currently, the state owes these local agencies about $2 billion for the prior-year costs of state-mandated programs. In other cases, the state has "suspended" state mandates, eliminating both local government responsibility for complying with the mandate and the need for state reimbursements.

Proposal

Limitations on Legislature's Authority to Change Local Revenues

This measure amends the State Constitution to significantly reduce the state's authority over

FIGURE 2

MAJOR STATE ACTIONS AFFECTING LOCAL FINANCE

Increasing Funding for Local Services. In 1979, the state shifted an ongoing share of the property tax from schools and community colleges to local governments (cities, counties, and special districts). This shift limited local government program reductions after the revenue losses resulting from the passage of Proposition 13, but increased state costs to backfill schools' and community colleges' property tax losses.

Reducing State Costs. In 1992 and 1993, the state shifted an ongoing share of property taxes from local governments to schools and community colleges. In 2004, the state enacted a similar two-year shift of property taxes ($1.3 billion annually) from local governments to schools and community colleges. These shifts had the effect of reducing local government resources and reducing state costs. The state also reduced its costs by deferring payments to local governments for state mandate reimbursements (most notably in 2002, 2003, and 2004) and for a portion of the vehicle license fee (VLF) "backfill" (2003), described below.

Reducing Taxation. Beginning in 1999, the state reduced the VLF rate to provide tax relief. The state backfilled the resulting city and county revenue losses.

Addressing Concerns Regarding Funding for Specific Local Governments. In the past, the state has at various times adjusted the annual allocation of property taxes and VLF revenues to assist cities that received very low shares of the local property tax.

Restructuring Local Finance. In 2004, the state replaced city and county VLF backfill revenues with property taxes shifted from schools and community colleges.

For text of Proposition 1A see page 16.

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

major local government revenue sources. Under the measure the state could not:

- ***Reduce Local Sales Tax Rates or Alter the Method of Allocation.*** The measure prohibits the state from: reducing any local sales tax rate, limiting existing local government authority to levy a sales tax rate, or changing the allocation of local sales tax revenues. For example, the state could not reduce a city's uniform or optional sales tax rate, or enact laws that shift sales taxes from a city to the county in which it is located.
- ***Shift Property Taxes From Local Governments to Schools or Community Colleges.*** The measure generally prohibits the state from shifting to schools or community colleges any share of property tax revenues allocated to local governments for any fiscal year under the laws in effect as of November 3, 2004. The measure also specifies that any change in how property tax revenues are shared among local governments within a county must be approved by two-thirds of both houses of the Legislature (instead of by majority votes). For example, state actions that shifted a share of property tax revenues from one local special district to another, or from a city to the county, would require approval by two-thirds of both houses of the Legislature. Finally, the measure prohibits the state from reducing the property tax revenues provided to cities and counties as replacement for the local sales tax revenues redirected to the state and pledged to pay debt service on state deficit-related bonds approved by voters in March 2004.
- ***Decrease VLF Revenues Without Providing Replacement Funding.*** If the state reduces the VLF rate below its current level, the measure requires the state to provide local governments with equal replacement revenues. The measure also requires the state to allocate VLF revenues to county health and social services programs and local governments.

The measure provides two significant exceptions to the above restrictions regarding sales and property taxes. First, beginning in 2008–09, the state may shift to schools and community colleges a limited amount of local government property tax revenues if: the Governor proclaims that the shift is needed due to a severe state financial hardship, the Legislature approves the shift with a two-thirds vote of both houses, and certain other conditions are met. The state must repay local governments for their property tax losses, with interest, within three years. Second, the measure allows the state to approve voluntary exchanges of local sales tax and property tax revenues among local governments within a county.

State Mandates

The measure amends the State Constitution to require the state to suspend certain state laws creating mandates in any year that the state does not fully reimburse local governments for their costs to comply with the mandates. Specifically, beginning July 1, 2005, the measure requires the state to either fully fund each mandate affecting cities, counties, and special districts or suspend the mandate's requirements for the fiscal year. This provision does not apply to mandates relating to schools or community colleges, or to those mandates relating to employee rights.

The measure also appears to expand the circumstances under which the state would be responsible for reimbursing cities, counties, and special districts for carrying out new state requirements. Specifically, the measure defines as a mandate state actions that transfer to local governments financial responsibility for a required program for which the state previously had complete or partial financial responsibility. Under current law, some such transfers of financial responsibilities may not be considered a state mandate.

Related Provisions in Proposition 65

Proposition 65 on this ballot contains similar provisions affecting local government finance and mandates. (The nearby box provides information on the major similarities and differences between these measures.) Proposition 1A specifically states that if it and Proposition 65 are approved and Proposition 1A receives more yes votes, none of the provisions of Proposition 65 will go into effect.

Fiscal Effects

Proposition 1A would reduce state authority over local finances. Over time, it could have significant fiscal impacts on state and local governments, as described below.

Long-Term Effect on Local and State Finance

Higher and More Stable Local Government Revenues. Given the number and magnitude of past state actions affecting local taxes, this measure's restrictions on state authority to enact such measures in the future would have potentially major fiscal effects on local governments. For example, the state could not enact measures that permanently shift property taxes from local governments to schools in order to reduce state costs for education programs. In these cases, this measure

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

PROPOSITIONS 1A AND 65

Propositions 1A and 65 both amend the State Constitution to achieve three general objectives regarding state and local government finance. The similarities and differences between the two measures are highlighted below.

Limits State Authority to Reduce Major Local Tax Revenues

Effect on 2004–05 State Budget.

- *Proposition 65's* restrictions apply to state actions taken over the last year, and thus would prevent a major component of the 2004–05 budget plan (a $1.3 billion property tax shift in 2004–05 and again in 2005–06) from taking effect unless approved by the state's voters at the subsequent statewide election.
- *Proposition 1A's* restrictions apply to future state actions only, and would allow the planned $1.3 billion property tax shift to occur in both years.

Effect on Future State Budgets.

- *Proposition 65* allows the state to modify major local tax revenues for the fiscal benefit of the state, but only with the approval of the state's voters.
- *Proposition 1A* prohibits such state changes, except for limited, short-term shifting of local property taxes. The state must repay local governments for these property tax losses within three years.

Reduces State Authority to Reallocate Tax Revenues Among Local Governments

Effect on Revenue Allocation.

- *Proposition 65* generally requires state voter approval before the state can reduce any individual local government's revenues from the property tax, uniform local sales tax, or vehicle license fee (VLF).
- *Proposition 1A* prohibits the state from reducing any local government's revenues from local sales taxes, but maintains some state authority to alter the allocation of property tax revenues, VLF revenues, and other taxes. Proposition 1A does not include a state voter approval requirement.

Local Governments Affected.

- *Proposition 65's* restrictions apply to cities, counties, special districts, and redevelopment agencies.
- *Proposition 1A's* restrictions do not apply to redevelopment agencies.

Restricts State Authority to Impose Mandates on Local Governments Without Reimbursement

- *Proposition 65* authorizes local governments, schools, and community college districts to decide whether or not to comply with a state requirement if the state does not fully reimburse local costs.
- *Proposition 1A's* mandate provisions do not apply to schools and community colleges. If the state does not fund a mandate in any year, the state must eliminate local government's duty to implement it for that same time period.

would result in local government revenues being more stable—and higher—than otherwise would be the case. The magnitude of increased local revenues is unknown and would depend on future actions by the state. Given past actions by the state, however, this increase in local government revenues could be in the billions of dollars annually. These increased local revenues could result in higher spending on local programs or decreased local fees or taxes.

Lower Resources for State Programs. In general, the measure's effect on state finances would be the *opposite* of its effect on local finances. That is, this measure could result in decreased resources being available for state programs than otherwise would be the case. This reduction, in turn, would affect state spending and/or taxes. For example, because the state could not use local government property taxes permanently as part of the state's budget solution, the Legislature would need to take *alternative* actions to resolve the state's budget difficulties—such as increasing state taxes or decreasing spending on other state programs. As with the local impact, the total fiscal effect also could be in the billions of dollars annually.

Less Change to the Revenue of Individual Local Governments. Proposition 1A restricts the state's authority to reallocate local tax revenues to address concerns regarding funding for specific local governments or to restructure local government finance. For example, the state could not enact measures that changed how local sales tax revenues are allocated to cities and counties. In addition, measures that reallocated property taxes among local governments in a county would require approval by two-thirds of the Members of each house of the Legislature (rather than majority votes). As a result, this measure would result in fewer changes to local government revenues than otherwise would have been the case.

Effect on Local Programs and State Reimbursements

Because the measure appears to expand the circumstances under which the state is required to reimburse local agencies, the measure may increase future state costs or alter future state actions regarding local or jointly funded state-local programs. While it is not possible to determine the cost to reimburse local agencies for potential future state actions, our review of state measures enacted in the past suggests that, over time, increased state reimbursement costs may exceed a hundred million dollars annually.

For text of Proposition 1A see page 16.

PROP 1A

PROTECTION OF LOCAL GOVERNMENT REVENUES

ARGUMENT in Favor of Proposition 1A

PROPOSITION 1A—A HISTORIC AGREEMENT TO PROTECT LOCAL TAXPAYERS AND VITAL LOCAL GOVERNMENT SERVICES.

Proposition 1A is a historic bipartisan agreement among local governments, public safety leaders, the State Legislature, Republican Governor Arnold Schwarzenegger, and is authored by Democratic State Senator Tom Torlakson.

Proposition 1A prevents the State from taking and using funding that local governments need to provide services like fire and paramedic response, law enforcement, health care, parks, and libraries.

These individuals and groups urge a YES vote:

- Governor Schwarzenegger
- State Controller Steve Westly
- California Professional Firefighters
- California Fire Chiefs Association
- California Police Chiefs Association
- California State Sheriffs' Association
- California Association of Public Hospitals and Health Systems
- League of California Cities
- California Special Districts Association
- California State Association of Counties

PROPOSITION 1A IS NEEDED TO STOP THE STATE FROM TAKING LOCAL GOVERNMENT FUNDING.

For more than a dozen years, the State has been taking local tax dollars that local governments use to provide essential services—more than $40 billion in the last 12 years. Even in years with state budget surpluses, the State has taken billions of local tax dollars.

These State raids result in fewer firefighters, fewer law enforcement officers, longer waits in emergency rooms—or higher local taxes and fees.

PROPOSITION 1A PROTECTS PUBLIC SAFETY, EMERGENCY HEALTH CARE, AND OTHER LOCAL SERVICES.

Local governments spend a vast majority of their budgets providing critical services, including:

- Fire protection
- Paramedic response
- Law enforcement
- Emergency medical
- Health care
- Parks and libraries

Cities and counties also revitalize downtowns and create jobs and affordable housing using redevelopment agency funding. Redevelopment agency tax increment revenues are already protected by the State Constitution and do not need to be further protected by Proposition 1A.

PROPOSITION 1A PROTECTS LOCAL TAXPAYERS AND WON'T RAISE TAXES.

Proposition 1A will *not* raise taxes. It simply ensures that *existing* local tax dollars continue to be dedicated to local services. It also helps *ensure local governments aren't forced to raise taxes or fees to make up for revenue raided by the State.*

PROPOSITION 1A PROVIDES FLEXIBILITY IN A STATE BUDGET EMERGENCY—AND WON'T TAKE FUNDING FROM SCHOOLS OR OTHER STATE PROGRAMS.

Proposition 1A protects only *existing* levels of local funding. It does not reduce funding for schools or other state programs. And, 1A was carefully written to allow flexibility. It allows the State to *borrow* local government revenues—only in the event of a fiscal emergency—if funds are needed to support schools or other state programs.

PROPOSITION 1A IS A BETTER APPROACH THAT REPLACES THE NEED FOR PROPOSITION 65.

Proposition 65 was put on the ballot earlier this year before this historic agreement was reached. Proposition 1A is a better, more flexible approach to protect local services and tax dollars. That's why ALL of the official proponents of 65 are now ENDORSING PROPOSITION 1A AND OPPOSING PROPOSITION 65.

Join Governor Schwarzenegger, Senator Torlakson, firefighters, police officers, sheriffs, paramedics, health care leaders, taxpayers, business and labor leaders.

PROTECT LOCAL TAXPAYERS AND PUBLIC SAFETY. Vote YES on PROPOSITION 1A. Vote NO on PROPOSITION 65.

GOVERNOR ARNOLD SCHWARZENEGGER
CHIEF MICHAEL WARREN, *President*
California Fire Chiefs Association
SHERIFF ROBERT T. DOYLE, *President*
California State Sheriffs' Association

REBUTTAL to Argument in Favor of Proposition 1A

Proposition lA was cooked up at the last minute as part of a bad budget deal.

There were no public hearings.

Proposition 1A protects local governments, but it hurts education by allowing the State to raid your property taxes that fund your local schools. And it puts that into the State Constitution!

Proposition 1A prevents the Legislature from lowering taxes by locking in the local sales tax rate. That goes into the State Constitution too!

Proposition 1A jeopardizes critical programs. As California's fiscal challenges continue, the State budget ax will fall even harder on funding for K–12 education, higher education, children's health care, programs for seniors, and public safety.

Proposition 1A gives local politicians a blank check without any scrutiny over how the money is spent.

We can do better. We deserve better.

Vote NO on Proposition 1A.

CAROLE MIGDEN, *Chairwoman*
State Board of Equalization

ARGUMENT Against Proposition 1A

We should protect local taxpayers, not irresponsible spending by local governments. Vote NO on Proposition 1A.

As Chairwoman of the State Board of Equalization, I know that too many branches of government waste too much money.

Proposition 1A gives local governments a spending guarantee without any fiscal accountability or oversight. It's a blank check for spending and turns a blind eye to waste.

Did you know that the City of Stockton is emptying its cash reserves to build a downtown arena, but at the same time they're trying to raise taxes to pay for police officers and firefighters? They've got their priorities backwards.

Did you know that the City of Los Angeles raised their water rates, but at the same time they're being audited for wasting millions on unnecessary public relations contracts?

California has a responsibility to help and support local governments. We are all in this together. But NO one should be exempt from fiscal oversight and accountability. Checks and balances are essential.

Public schools in California are funded by Proposition 98. But in 1988, California's teachers included specific language to hold school districts accountable for the money they spend.

There is NO fiscal accountability provision in Proposition 1A.

Every new school bond we've placed on the ballot contains specific accountability provisions to guarantee that the money is spent the way the voters intend.

There is NO fiscal accountability provision in Proposition 1A.

Every one of California's Water, Parks, and Wildlife bonds had strict accountability provisions.

There is NO fiscal accountability provision in Proposition lA.

California is facing serious budget challenges. There have been great sacrifices made to meet those challenges . . . cuts in children's health care, nursing home care, and college admissions.

Why should local politicians get a blank check? I say NO they shouldn't. Why should local politicians get a guarantee that sick children don't get? I say NO they shouldn't.

This NO fiscal accountability Proposition deserves a NO vote!

Please join me in voting NO on Proposition 1A.

CAROLE MIGDEN, *Chairwoman*
State Board of Equalization

REBUTTAL to Argument Against Proposition 1A

Contrary to misleading claims made by the opponent of 1A, THIS MEASURE INCREASES FISCAL ACCOUNTABILITY.

Prop. 1A increases local budget accountability by keeping tax dollars close to home, where voters have more control.

Prop. 1A will also make the State more accountable by preventing it from taking and using local government funds —except in a fiscal emergency.

FOR YEARS, *THE STATE* HAS HAD A BLANK CHECK to take your local tax dollars. PROP. 1A TEARS UP THAT BLANK CHECK and requires the State to live within its means.

The opponent would have you believe the State is in a better position to manage your local tax dollars than your city or county leaders. In fact, over the past decade, cities and counties have tightened their belts, increased accountability, and prioritized spending for essential local services.

Prop. 1A does NOT increase local government funding and does not take one dime from schools, state health care services, or any other state program or service.

Prop. 1A does NOT increase taxes. The measure PROTECTS *EXISTING* LOCAL TAX DOLLARS—WHICH ARE USED TO PROVIDE FIREFIGHTING, LAW ENFORCEMENT, EMERGENCY ROOM CARE, PARAMEDIC RESPONSE, and other essential local services.

Prop. 1A supporters know it's time to end business as usual in Sacramento and stop the State from taking and using local government funds.

Join Governor Schwarzenegger, firefighters, law enforcement officers, paramedics, and taxpayer groups.

PROTECT LOCAL TAXPAYERS AND PUBLIC SAFETY SERVICES. VOTE YES on 1A.

SENATOR TOM TORLAKSON, *Chair*
Senate Committee on Local Government

LOU PAULSON, *President*
California Professional Firefighters

CAM SANCHEZ, *President*
California Police Chiefs Association

PROPOSITION

65

Local Government Funds, Revenues. State Mandates. Initiative Constitutional Amendment.

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

Local Government Funds, Revenues. State Mandates.
Initiative Constitutional Amendment.

- Requires voter approval for any legislation that provides for any reduction, based on January 1, 2003 levels, of local governments' vehicle license fee revenues, sales tax powers and revenues, and proportionate share of local property tax revenues.
- Permits local government to suspend performance of state mandate if state fails to reimburse local government within 180 days of final determination of state-mandated obligation; except mandates requiring local government to provide/modify: any protection, benefit or employment status to employee/retiree, or any procedural/substantive employment right for employee or employee organization.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Significant changes to state authority over local finances. Higher local government revenues than otherwise would have been the case, possibly in the billions of dollars annually over time. Any such local revenue impacts would result in decreased resources to the state of similar amounts.

ANALYSIS BY THE LEGISLATIVE ANALYST

Background

Local Government Funding

California has over 5,000 local governments—cities, counties, special districts, and redevelopment agencies—that provide services such as fire and police protection, water, libraries, and parks and recreation programs. Local governments pay for these programs and services with money from local taxes, fees, and user charges; state and federal aid; and other sources. Three taxes play a major role in local finance because they raise significant sums of general-purpose revenues that local governments may use to pay for a variety of programs and services. These three taxes—the property tax, the local sales tax, and the vehicle license fee (VLF)—are described in Figure 1.

State Authority Over Local Finance

The State Constitution and existing statutes give the Legislature authority over the three major taxes described in Figure 1. For example, the Legislature has some authority to change tax rates; items subject to taxation; and the distribution of tax revenues among local governments, schools, and community college districts. The state has used this authority for many purposes, including increasing funding for local services, reducing state costs, reducing taxation, and addressing concerns regarding funding for particular local governments. Figure 2 describes some past actions the Legislature has taken, as well as actions that the state was considering during the summer of 2004 (at the time this analysis was prepared).

Requirement to Reimburse for State Mandates

The State Constitution generally requires the state to reimburse local governments, schools, and community college districts when the state "mandates" a new local program or higher level of service. For example, the state requires local agencies to post agendas for their hearings. As a mandate, the state must pay local governments, schools, and community college districts for their costs to post these agendas. Because of the state's budget difficulties, the state has not provided mandate reimbursements in recent years. Currently, the state owes these local agencies about $2 billion for prior-years' costs of state-mandated programs.

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

FIGURE 1

THREE MAJOR LOCAL GOVERNMENT TAXES

Property Tax

- Local governments receive general-purpose revenues from a 1 percent property tax levied on real property.
- During the 2003–04 fiscal year, local governments received approximately $15 billion in property tax revenues. (An additional $16 billion in property taxes went to schools and community colleges.)
- There is wide variation in the share of property taxes received by individual local governments. This variation largely reflects differences among local agency property tax rates during the mid-1970s, the period on which the state's property tax allocation laws are based.

Vehicle License Fee (VLF)

- The VLF is a tax levied annually on the value of vehicles registered in the state.
- For about a half century, the VLF rate was 2 percent of vehicle value. In 1999, the Legislature began reducing the rate charged to vehicle owners, with the state "backfilling" the resulting city and county revenue losses.
- During 2003–04, the VLF (set at a rate of 0.65 percent of vehicle value) and the VLF backfill would have provided about $5.9 billion to cities and counties. The state, however, deferred payment of part of the backfill to 2006.
- State law generally requires that three-quarters of VLF revenues be allocated to cities and counties on a population basis for general-purpose uses and the remaining VLF revenues be allocated to counties for health and social services programs.

Local Sales Tax

- Cities and counties receive revenues from a uniform local sales tax levied on the purchase price of most goods—such as clothing, automobiles, and restaurant meals.
- During 2003–04, this tax was levied at a rate of 1.25 percent and generated about $5.9 billion.
- Under current law, 80 percent of sales tax revenues are distributed to local governments based on where sales occur—to a city if the sale occurs within its boundaries, or to a county if the sale occurs in an unincorporated area. The remaining 20 percent of local sales tax revenues are allocated to counties for transportation purposes.
- Beginning in 2004–05, local governments will receive additional property taxes to replace some local sales tax revenues that are pledged to pay debt service on state deficit-related bonds, approved by voters in March 2004.

Proposal

Limitations on Legislature's Authority to Change Local Revenues

This measure amends the State Constitution to significantly reduce the Legislature's authority to make changes affecting any local government's revenues from the property tax, sales tax, and VLF. Specifically, the measure requires approval by the

FIGURE 2

MAJOR STATE ACTIONS AFFECTING LOCAL FINANCE

Past Actions

Increasing Funding for Local Services. In 1979, the state shifted an ongoing share of the property tax from schools and community colleges to local governments (cities, counties, and special districts). This shift limited local government program reductions after the revenue losses resulting from the passage of Proposition 13, but increased state costs to backfill schools' and community colleges' property tax losses.

Reducing State Costs. In 1992 and 1993, the state shifted an ongoing share of property taxes from local governments to schools and community colleges. This had the effect of reducing local government resources and reducing state costs. The state also reduced its costs by deferring payments to local governments for state mandate reimbursements (most notably, in 2002 and 2003) and for a portion of the VLF backfill (2003).

Reducing Taxation. Beginning in 1999, the state reduced the VLF rate to provide tax relief. The state "backfilled" the resulting city and county revenue losses.

Addressing Concerns Regarding Funding for Specific Local Governments. In the past, the state has at various times adjusted the annual allocation of property taxes and VLF revenues to assist cities that received very low shares of the local property tax.

Proposals Under Consideration in July 2004

Reducing State Costs. The state was considering shifting $1.3 billion of property taxes in 2004–05 and in 2005–06 from local governments to schools and community colleges to reduce state costs. The state also was considering deferring 2004–05 mandate payments to local governments.

Restructuring Local Finance. The state was considering replacing city and county VLF backfill revenues with property taxes shifted from schools and community colleges.

For text of Proposition 65 see page 17.

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

state's voters before a legislative measure could take effect that reduced a local government's revenues below the amount or share it would have received based on laws in effect on January 1, 2003. For example, this measure would require statewide voter approval before a law took effect that:

- Shifted property taxes from local governments to schools and community colleges.
- Changed how sales taxes are distributed among cities and counties.
- Exchanged city sales taxes for increased property taxes.
- Revised the formulas used to distribute property taxes among local governments.

Proposition 65 also would suspend any law enacted after November 1, 2003, that would have required voter approval under the terms of this measure. Suspended laws would take effect only if they were approved by the state's voters at the next statewide election.

The measure provides two exceptions to these voter-approval requirements. The state could enact laws that (1) shift property taxes among consenting local governments or (2) replace VLF revenues with an equal amount of alternative funds.

This measure also places into the State Constitution two existing state statutes relating to local finance. These statutes require the state to pay deferred VLF backfill revenues to cities and counties ($1.2 billion) by August 2006 and reestablish the local sales tax rate at 1.25 percent after the state's deficit-related bonds are paid.

State Mandates

The measure amends the State Constitution to reduce the state's authority over local government, school, and community college programs. Specifically, if the state does not provide timely reimbursement for a mandate's costs (other than mandates related to employee rights), local agencies could choose not to comply with the state requirement. The measure also appears to expand the circumstances under which the state would be responsible for reimbursing local agencies for carrying out a new state requirement. For example, the measure may increase the state's responsibility to reimburse local governments when the state increases a local agency's share of cost for a jointly financed state-local program.

Fiscal Effects

Proposition 65 would reduce state authority over local finances. Over time, it could have significant fiscal impacts on state and local governments, as described below.

Long-Term Effect on Local and State Finance

Higher and More Stable Local Government Revenues. Given the number and magnitude of past state actions affecting local taxes, this measure's restrictions on the state's authority to enact such measures in the future would have potentially major fiscal effects on local governments. For example, a legislative measure that reduces local government revenues may not receive the necessary voter approval required under this measure. In addition, there may be other cases where the Legislature and Governor do not pursue legislation to reduce local revenues because of the perceived difficulty in obtaining voter approval. In these cases, this measure would result in local government revenues being more stable—and higher—than otherwise would be the case. The magnitude of increased local revenues is unknown and would depend on future actions by the Legislature, the Governor, and the state's voters. Given past actions by the state, however, this increase in local government revenues could be in the billions of dollars annually. These increased local revenues could result in higher spending on local programs or decreased local fees or taxes.

Lower Resources for State Programs. In general, the measure's effect on state finances would be the *opposite* of its effect on local finances. That is, this measure could result in decreased resources being available for state programs than otherwise would be the case. This reduction, in turn, would affect state spending and/or taxes. For example, if the state's voters rejected a proposal to use local government property taxes as part of the state's budget solution, the Legislature would need to take *alternative* actions to resolve the state's budget difficulties—such as increasing state taxes or decreasing spending on other state programs. As with the local impact, the total fiscal effect also could be in the billions of dollars annually.

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

Less Change to the Revenue of Individual Local Governments. Proposition 65 restricts the state's authority to reallocate local tax revenues to address concerns regarding funding for specific local governments or to restructure local government finance. For example, measures that changed how local sales tax revenues are allocated to cities and counties, or that shifted property taxes from a water district to another special district, would not become effective until approved by voters at a statewide election. If the state's voters did not approve such reallocations, or if the Legislature and Governor did not pursue them because of the perceived difficulty in obtaining voter approval, this measure would result in fewer changes to local government revenues than otherwise would have been the case.

Potential Immediate Effect on Local and State Finance

This analysis was prepared in mid-July, before the state's budget for 2004–05 was adopted. At that time, the Legislature was considering the Governor's proposal to shift $1.3 billion of property taxes from local governments to schools and community colleges in 2004–05 and again in 2005–06. This shift would reduce local government resources by $1.3 billion in each of the two years. It would also decrease state costs by comparable amounts (because higher property taxes to schools and community colleges result in lower state education costs). This property tax shift, if adopted in the 2004–05 budget, would be affected by passage of Proposition 65. That is, the property tax shift would be suspended until voted upon at the subsequent statewide election (currently scheduled for March 2006). If voters approved the shift proposal, it would go into effect. If voters rejected the proposal, it would not go into effect, and the fiscal impacts described above would be reversed. That is:

- Local governments would retain the $1.3 billion in property tax revenues in 2004–05 and in 2005–06.
- The state would experience increased costs of comparable amounts.

Effect on Local Programs and State Reimbursements

Because the measure appears to expand the circumstances under which the state is required to reimburse local agencies, the measure may increase future state costs or alter future state actions regarding local or jointly funded state-local programs. While it is not possible to determine the cost to reimburse local agencies for potential future state actions, our review of state measures enacted in the past suggests that, over time, increased state reimbursement costs could exceed a hundred million dollars annually.

For text of Proposition 65 see page 17.

PROP 65

LOCAL GOVERNMENT FUNDS, REVENUES. STATE MANDATES. INITIATIVE CONSTITUTIONAL AMENDMENT.

ARGUMENT in Favor of Proposition 65

No argument in favor was provided for this measure.

ARGUMENT Against Proposition 65

VOTE NO on 65.

VOTE YES on 1A.

Our coalition of local governments submitted Prop. 65 to the voters in order to protect local revenues that are used to provide essential services, including fire protection, law enforcement, paramedic response, and emergency medical care. For years, state legislators have taken local government funds used to provide these essential local services.

HOWEVER, in the time since Prop. 65 was submitted, a new and better measure—Prop. 1A—has been placed on the ballot to prevent state raids on local government funding. Prop. 1A is supported by Governor Arnold Schwarzenegger, Democrats and Republicans, local government and public safety leaders because it is a better, more flexible approach to protect funding for vital local services. Please look in the ballot pamphlet at the official arguments and the diverse groups supporting Prop. 1A.

VOTE NO on 65.

VOTE YES on 1A.

CHRIS McKENZIE, *Executive Director*
League of California Cities

CATHERINE SMITH, *Executive Director*
California Special Districts Association

STEVEN SZALAY, *Executive Director*
California State Association of Counties

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

Proposition 1A

This amendment proposed by Senate Constitutional Amendment 4 of the 2003–2004 Regular Session (Resolution Chapter 133, Statutes of 2004) expressly amends the California Constitution by amending sections thereof and adding a section thereto; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES XI, XIII, AND XIII B

First—That Section 15 of Article XI thereof is amended to read:

SEC. 15. (a) ~~All~~ *From the* revenues *derived* from taxes imposed pursuant to the Vehicle License Fee Law *(Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code)*, or its successor, other than fees on trailer coaches and mobilehomes, over and above the costs of collection and any refunds authorized by law, *those revenues derived from that portion of the vehicle license fee rate that does not exceed 0.65 percent of the market value of the vehicle* shall be allocated ~~to counties and cities according to statute.~~

~~(b) This section shall apply to those taxes imposed pursuant to that law on and after July 1 following the approval of this section by the voters.~~ *as follows:*

(1) An amount shall be specified in the Vehicle License Fee Law, or the successor to that law, for deposit in the State Treasury to the credit of the Local Revenue Fund established in Chapter 6 (commencing with Section 17600) of Part 5 of Division 9 of the Welfare and Institutions Code, or its successor, if any, for allocation to cities, counties, and cities and counties as otherwise provided by law.

(2) The balance shall be allocated to cities, counties, and cities and counties as otherwise provided by law.

(b) If a statute enacted by the Legislature reduces the annual vehicle license fee below 0.65 percent of the market value of a vehicle, the Legislature shall, for each fiscal year for which that reduced fee applies, provide by statute for the allocation of an additional amount of money that is equal to the decrease, resulting from the fee reduction, in the total amount of revenues that are otherwise required to be deposited and allocated under subdivision (a) for that same fiscal year. That amount shall be allocated to cities, counties, and cities and counties in the same pro rata amounts and for the same purposes as are revenues subject to subdivision (a).

Second—That Section 25.5 is added to Article XIII thereof, to read:

SEC. 25.5. (a) On or after November 3, 2004, the Legislature shall not enact a statute to do any of the following:

(1) (A) Except as otherwise provided in subparagraph (B), modify the manner in which ad valorem property tax revenues are allocated in accordance with subdivision (a) of Section 1 of Article XIII A so as to reduce for any fiscal year the percentage of the total amount of ad valorem property tax revenues in a county that is allocated among all of the local agencies in that county below the percentage of the total amount of those revenues that would be allocated among those agencies for the same fiscal year under the statutes in effect on November 3, 2004. For purposes of this subparagraph, "percentage" does not include any property tax revenues referenced in paragraph (2).

(B) Beginning with the 2008–09 fiscal year and except as otherwise provided in subparagraph (C), subparagraph (A) may be suspended for a fiscal year if all of the following conditions are met:

(i) The Governor issues a proclamation that declares that, due to a severe state fiscal hardship, the suspension of subparagraph (A) is necessary.

(ii) The Legislature enacts an urgency statute, pursuant to a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, that contains a suspension of subparagraph (A) for that fiscal year and does not contain any other provision.

(iii) No later than the effective date of the statute described in clause (ii), a statute is enacted that provides for the full repayment to local agencies of the total amount of revenue losses, including interest as provided by law, resulting from the modification of ad valorem property tax revenue allocations to local agencies. This full repayment shall be made not later than the end of the third fiscal year immediately following the fiscal year to which the modification applies.

(C) (i) Subparagraph (A) shall not be suspended for more than two fiscal years during any period of 10 consecutive fiscal years, which period begins with the first fiscal year for which subparagraph (A) is suspended.

(ii) Subparagraph (A) shall not be suspended during any fiscal year if the full repayment required by a statute enacted in accordance with clause (iii) of subparagraph (B) has not yet been completed.

(iii) Subparagraph (A) shall not be suspended during any fiscal year if the amount that was required to be paid to cities, counties, and cities and counties under Section 10754.11 of the Revenue and Taxation Code, as that section read on November 3, 2004, has not been paid in full prior to the effective date of the statute providing for that suspension as described in clause (ii) of subparagraph (B).

(iv) A suspension of subparagraph (A) shall not result in a total ad valorem property tax revenue loss to all local agencies within a county that exceeds 8 percent of the total amount of ad valorem property tax revenues that were allocated among all local agencies within that county for the fiscal year immediately preceding the fiscal year for which subparagraph (A) is suspended.

(2) (A) Except as otherwise provided in subparagraphs (B) and (C), restrict the authority of a city, county, or city and county to impose a tax rate under, or change the method of distributing revenues derived under, the Bradley-Burns Uniform Local Sales and Use Tax Law set forth in Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code, as that law read on November 3, 2004. The restriction imposed by this subparagraph also applies to the entitlement of a city, county, or city and county to the change in tax rate resulting from the end of the revenue exchange period, as defined in Section 7203.1 of the Revenue and Taxation Code as that section read on November 3, 2004.

(B) The Legislature may change by statute the method of distributing the revenues derived under a use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law to allow the State to participate in an interstate compact or to comply with federal law.

(C) The Legislature may authorize by statute two or more specifically identified local agencies within a county, with the approval of the governing body of each of those agencies, to enter into a contract to exchange allocations of ad valorem property tax revenues for revenues derived from a tax rate imposed under the Bradley-Burns Uniform Local Sales and Use Tax Law. The exchange under this subparagraph of revenues derived from a tax rate imposed under that law shall not require voter approval for the continued imposition of any portion of an existing tax rate from which those revenues are derived.

(3) Except as otherwise provided in subparagraph (C) of paragraph (2), change for any fiscal year the pro rata shares in which ad valorem property tax revenues are allocated among local agencies in a county other than pursuant to a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring.

(4) Extend beyond the revenue exchange period, as defined in Section 7203.1 of the Revenue and Taxation Code as that section read on November 3, 2004, the suspension of the authority, set forth in that section on that date, of a city, county, or city and county to impose a sales and use tax rate under the Bradley-Burns Uniform Local Sales and Use Tax Law.

(5) Reduce, during any period in which the rate authority suspension described in paragraph (4) is operative, the payments to a city, county, or city and county that are required by Section 97.68 of the Revenue and Taxation Code, as that section read on November 3, 2004.

(6) Restrict the authority of a local entity to impose a transactions and use tax rate in accordance with the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), or change the method for distributing revenues derived under a transaction and use tax rate imposed under that law, as it read on November 3, 2004.

(b) For purposes of this section, the following definitions apply:

(1) "Ad valorem property tax revenues" means all revenues derived from the tax collected by a county under subdivision (a) of Section 1 of Article XIII A, regardless of any of this revenue being otherwise classified by statute.

(2) "Local agency" has the same meaning as specified in Section 95 of the Revenue and Taxation Code as that section read on November 3, 2004.

Third—That Section 6 of Article XIII B thereof is amended to read:

SEC. 6. *(a)* Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse ~~such~~ *that* local government for the costs of ~~such~~ *the* program or increased level of service,

Proposition 1A *(cont.)*

except that the Legislature may, but need not, provide ~~such~~ *a* subvention of funds for the following mandates:

~~(a)~~

(1) Legislative mandates requested by the local agency affected ~~;~~ *.*

~~(b)~~

(2) Legislation defining a new crime or changing an existing definition of a crime~~; or~~ *.*

~~(c)~~

(3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

(b) (1) Except as provided in paragraph (2), for the 2005–06 fiscal year and every subsequent fiscal year, for a mandate for which the costs of a local government claimant have been determined in a preceding fiscal year to be payable by the State pursuant to law, the Legislature shall either appropriate, in the annual Budget Act, the full payable amount that has not been previously paid, or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable in a manner prescribed by law.

(2) Payable claims for costs incurred prior to the 2004–05 fiscal year that have not been paid prior to the 2005–06 fiscal year may be paid over a term of years, as prescribed by law.

(3) Ad valorem property tax revenues shall not be used to reimburse a local government for the costs of a new program or higher level of service.

(4) This subdivision applies to a mandate only as it affects a city, county, city and county, or special district.

(5) This subdivision shall not apply to a requirement to provide or recognize any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree, or of any local government employee organization, that arises from, affects, or directly relates to future, current, or past local government employment and that constitutes a mandate subject to this section.

(c) A mandated new program or higher level of service includes a transfer by the Legislature from the State to cities, counties, cities and counties, or special districts of complete or partial financial responsibility for a required program for which the State previously had complete or partial financial responsibility.

Fourth—That the people find and declare that this measure and the Taxpayers and Public Safety Protection Act, which appears as Proposition 65 on the November 2, 2004, general election ballot (hereafter Proposition 65) both relate to local government, including matters concerning tax revenues and reimbursement for the cost of state mandates, in a comprehensive and substantively conflicting manner. Because this measure is intended to be a comprehensive and competing alternative to Proposition 65, it is the intent of the people that this measure supersede in its entirety Proposition 65, if this measure and Proposition 65 both are approved and this measure receives a higher number of affirmative votes than Proposition 65. Therefore, in the event that this measure and Proposition 65 both are approved and this measure receives a higher number of affirmative votes, none of the provisions of Proposition 65 shall take effect.

Proposition 65

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends an article of, and adds an article to, the California Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT

SECTION 1. Short Title

These amendments to the California Constitution shall be known and may be cited as the Local Taxpayers and Public Safety Protection Act.

SECTION 2. Findings and Purposes

(a) The people of the State of California find that restoring local control over local tax dollars is vital to insure that local tax dollars are used to provide critical local services, including, but not limited to, police, fire, emergency and trauma care, public health, libraries, criminal justice, and road and street maintenance. Reliable funding for these services is essential for the security, well-being, and quality of life of all Californians.

(b) For many years, the Legislature has taken away local tax dollars used by local governments so that the state could control those local tax dollars. In fact, the Legislature has been taking away billions of local tax dollars each year, forcing local governments to either raise local fees or taxes to maintain services, or cut back on critically needed local services.

(c) The Legislature's diversion of local tax dollars from local governments harms local governments' ability to provide such specific services as police, fire, emergency and trauma care, public health, libraries, criminal justice, and road and street maintenance.

(d) In recognition of the harm caused by diversion of local tax dollars and the importance placed on voter control of major decisions concerning government finance, and consistent with existing provisions of the California Constitution that give the people the right to vote on fiscal changes, the people of the State of California want the right to vote upon actions by the state government that take local tax dollars from local governments.

(e) The Local Taxpayers and Public Safety Protection Act is designed to insure that the people of the State of California shall have the right to approve or reject the actions of state government to take away local revenues that fund vitally needed local services.

(f) The Local Taxpayers and Public Safety Protection Act strengthens the requirement that if the state mandates local governments to implement new or expanded programs, then the state shall reimburse local governments for the cost of those programs.

(g) The Local Taxpayers and Public Safety Protection Act does not amend or modify the School Funding Initiative, Proposition 98 (Section 8 of Article XVI of the California Constitution).

(h) Therefore, the people declare that the purposes of this act are to:

(1) Require voter approval before the Legislature removes local tax dollars from the control of local government, as described in this measure.

(2) Insure that local tax dollars are dedicated to local governments to fund local public services.

(3) Insure that the Legislature reimburses local governments when the state mandates local governments to assume more financial responsibility for new or existing programs.

(4) Prohibit the Legislature from deferring or delaying annual reimbursement to local governments for state-mandated programs.

SECTION 3. Article XIII E is added to the California Constitution, to read:

ARTICLE XIII E

LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT

SECTION 1. Statewide Voter Approval Required

(a) Approval by a majority vote of the electorate, as provided for in this section, shall be required before any act of the Legislature takes effect that removes the following funding sources, or portions thereof, from the control of any local government:

(1) Reduces, or suspends or delays the receipt of, any local government's proportionate share of the local property tax when the Legislature exercises its power to apportion the local property tax; or requires any local government to remit local property taxes to the State, a state-created fund, or, without the consent of the affected local governments, to another local government.

(2) Reduces, or delays or suspends the receipt of, the Local Government Base Year Fund to any local government, without appropriating funds to offset the reduction, delay, or suspension in an equal amount.

(3) Restricts the authority to impose, or changes the method of distributing, the local sales tax.

(4) Reduces, or suspends or delays the receipt of, the 2003 Local Government Payment Deferral.

(5) Fails to reinstate the suspended Bradley-Burns Uniform Local Sales and Use Tax rate in accordance with Section 97.68 of the Revenue

Proposition 65 *(cont.)*

and Taxation Code, as added by Chapter 162 of the Statutes of 2003; or reduces any local government's allocation of the property tax required by Section 97.68 of the Revenue and Taxation Code while the sales tax rate is suspended.

(b) Prior to its submission to the electorate, an act subject to voter approval under this section must be approved by the same vote of the Legislature as is required to enact a budget bill and shall not take effect until approved by a majority of those voting on the measure at the next statewide election in accordance with subdivision (c).

(c) When an election is required by this section, the Secretary of State shall present the following question to the electorate: "Shall that action taken by the Legislature in [Chapter ___ of the Statutes of ___], which affects local revenues, be approved?"

SEC. 2. Definitions

(a) "Local government" means any city, county, city and county, or special district.

(b) "Local Government Base Year Fund" means the amount of revenue appropriated in the 2002–03 fiscal year in accordance with Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, adjusted annually based upon the change in assessed valuation of vehicles that are subject to those provisions of law. In the event that the fees imposed by those provisions of law are repealed, then the fund shall be adjusted annually on July 1 by an amount not less than the percentage change in per capita personal income and the change in population, as calculated pursuant to Article XIII B.

(c) "2003 Local Government Payment Deferral" means the amount of revenues required to be transferred to local government from the General Fund specified in subparagraph (D) of paragraph (3) of subdivision (a) of Section 10754 of the Revenue and Taxation Code in effect on August 11, 2003.

(d) "Local property tax" means any local government's January 1, 2003, proportionate share of ad valorem taxes on real property and tangible personal property apportioned pursuant to the Legislature's exercise of its power to apportion property taxes as specified in Section 1 of Article XIII A. "Local property tax" also means any local government's allocation of the ad valorem tax on real property and tangible personal property pursuant to Section 16 of Article XVI.

(e) "Local sales tax" means any sales and use tax imposed by any city, county, or city and county pursuant to the terms of the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) in accordance with the law in effect on January 1, 2003.

(f) "Special district" means an agency of the State, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions with limited geographic boundaries, including redevelopment agencies, but not including school districts, community college districts, or county offices of education.

(g) "State" means the State of California.

SEC. 3. Interim Measures

(a) The operation and effect of any statute, or portion thereof, enacted between November 1, 2003, and the effective date of this article, that would have required voter approval pursuant to Section 1 if enacted on or after the effective date of this act (the "interim statute"), shall be suspended on that date and shall have no further force and effect until the date the interim statute is approved by the voters at the first statewide election following the effective date of this article in the manner specified in Section 1. If the interim statute is not approved by the voters, it shall have no further force and effect.

(b) If the interim statute is approved by the voters, it shall nonetheless have no further force and effect during the period of suspension; provided, however, that the statute shall have force and effect during the period of suspension if the interim statute or a separate act of the Legislature appropriates funds to affected local governments in an amount which is not less than the revenues affected by the interim statute.

(c) A statute or other measure that is enacted by the Legislature and approved by the voters between November 1, 2003, and the effective date of this article is not an interim statute within the meaning of this section.

SECTION 4. Section 6 of Article XIII B of the California Constitution is amended to read:

SEC. 6. *(a)* Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall *annually* provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates:

~~(a)~~ *(1)* Legislative mandates requested by the local agency affected ~~;~~ .

~~(b)~~ *(2)* Legislation defining a new crime or changing an existing definition of a crime ~~; or~~ .

~~(c)~~ *(3)* Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

(b) The annual subvention of funds required by this section shall be transmitted to the local government within 180 days of the effective date of the statute or regulation or order by a state officer or agency that mandates a new program or higher level of service, or within 180 days of a final adjudication that a subvention of funds is required pursuant to this section. For purposes of this section, the Legislature or any state agency or officer mandates a new program or higher level of service when it creates a new program, requires services not previously required to be provided, increases the frequency or duration of required services, increases the number of persons eligible for services, or transfers to local government complete or partial financial responsibility for a program for which the State previously had complete or partial financial responsibility.

(c) If, during the fiscal year in which a claim for reimbursement is filed for a subvention of funds, the Legislature does not appropriate a subvention of funds that provides full reimbursement as required by subdivision (a), or does not appropriate a subvention of funds that provides full reimbursement as part of the state budget act in the fiscal year immediately following the filing of that claim for reimbursement, then a local government may elect one of the following options:

(1) Continue to perform the mandate. The local government shall receive reimbursement for its costs to perform the mandate through a subsequent appropriation and subvention of funds.

(2) Suspend performance of the mandate during all or a portion of the fiscal year in which the election permitted by this subdivision is made. The local government may continue to suspend performance of the mandate during all or a portion of subsequent fiscal years until the fiscal year in which the Legislature appropriates the subvention of funds to provide full reimbursement as required by subdivision (a). A local government shall receive reimbursement for its costs for that portion of the fiscal year during which it performed the mandate through a subsequent appropriation and subvention of funds.

The terms of this subdivision do not apply to, and a local government may not make the election provided for in this subdivision for, a mandate that either requires a local government to provide or modify any form of protection, right, benefit, or employment status for any local government employee or retiree, or provides or modifies any procedural or substantive right for any local government employee or employee organization, arising from, affecting, or directly relating to future, current, or past local government employment.

(d) For purposes of this section, "mandate" means a statute, or action or order of any state agency, which has been determined by the Legislature, any court, or the Commission on State Mandates or its designated successor, to require reimbursement pursuant to this section.

SECTION 5. Construction

(a) This measure shall be liberally construed to effectuate its purposes, which include providing adequate funds to local government for local services, including, but not limited to, such services as police, fire, emergency and trauma care, public health, libraries, criminal justice, and road and street maintenance.

(b) This measure shall not be construed either to alter the apportionment of the ad valorem tax on real property pursuant to Section 1 of Article XIII A of the California Constitution by any statute in effect prior to January 1, 2003, or to prevent the Legislature from altering that apportionment in compliance with the terms of this measure.

(c) Except as provided in Section 3 of Article XIII E of the California Constitution as added by Section 3 of this act, the provisions of Section 1 of Article XIII E of the California Constitution as added by Section 3 of this act apply to all statutes adopted on or after the effective date of this act.

SECTION 6. If any part of this measure or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications that reasonably can be given effect without the invalid provision or application.

DATES TO REMEMBER

October 4, 2004
First day to apply for an absentee ballot by mail

October 18, 2004
Last day to register to vote

October 26, 2004
Last day that county elections officials will accept any voter's application for an absentee ballot

OCTOBER

SU	M	TU	W	TH	F	SA
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Remember to Vote!

Polls are open from 7 a.m. to 8 p.m.

NOVEMBER

SU	M	TU	W	TH	F	SA
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

November 2, 2004
Last day to apply for an absentee ballot in person at the office of the county elections official

November 2, 2004

ELECTION DAY!

www.ss.ca.gov

CAN'T FIND YOUR POLLING PLACE?

We'll point you in the right direction.

www.ss.ca.gov

COME TO OUR WEBSITE TO:

- Find your polling place
- Research campaign contributions
- Watch live election results
- Obtain absentee ballot information
- View lists of candidates

THE PROCESS OF VOTING ABSENTEE

Any registered voter may vote by absentee ballot. Rather than go to the polls to cast a ballot on Election Day, you may apply for an absentee ballot, which you will need to complete and return to your elections official.

To apply for an absentee ballot, you may use the application printed on your Sample Ballot, which you will receive prior to every election, or apply in writing to your county elections official. You will need to submit a completed application or letter to your county elections official between 29 days and 7 days before the election. The application or letter must contain:

1. your name and residence address as stated on your registration card;
2. the address to which the absentee ballot should be sent (if different than your registered address);
3. the name and date of the election in which you would like to vote absentee; and
4. the date and your signature.

Once your application is processed by your county elections official, the proper ballot type/style will be sent to you. After you have voted, insert your ballot in the envelope provided for this purpose, making sure you complete all required information on the envelope. You may return your voted absentee ballot by:

1. mailing it to your county elections official;
2. returning it in person to a polling place or elections office within your county on Election Day; or
3. authorizing a legally allowable third party (relative or person residing in the same household as you) to return the ballot on your behalf.

Regardless of how the ballot is returned, it MUST be received by the time polls close (8 p.m.) on Election Day. Late-arriving absentee ballots are not counted.

Once your voted absentee ballot is received by your county elections official, your signature on the absentee ballot return envelope will be compared to the signature on your voter registration card to determine that you are the authorized voter. To preserve the secrecy of your ballot, the ballot will then be separated from the envelope and the ballot becomes as anonymous and secret as any other ballot.

Apply to Be a Permanent Vote-By-Mail Voter:

Any voter may apply for PERMANENT ABSENT VOTER STATUS (Elections Code § 3201). These voters are automatically sent a vote-by-mail ballot for every election without having to fill out an application every time. Please contact your county elections official to apply to become a permanent vote-by-mail voter if you wish to receive vote-by-mail ballots for all future elections. To find out who your county elections official is, go online at **www.ss.ca.gov/elections/elections_d.htm** to see a list of contact information for all county elections officials.

Secretary of State
1500 11th Street
Sacramento, CA 95814

General Election

For additional copies of the Voter Information Guide in any of the following languages, please call:

English: 1-800-345-VOTE (8683)
Español/Spanish: 1-800-232-VOTA (8682)
日本語 /Japanese: 1-800-339-2865
Việt ngữ/Vietnamese: 1-800-339-8163
Tagalog/Tagalog: 1-800-339-2957
中文/Chinese: 1-800-339-2857
한국어/Korean: 1-866-575-1558

www.voterguide.ss.ca.gov

Official Voter Information Guide

Supplemental

In an effort to reduce election costs, the State Legislature has authorized the State and counties to mail only one guide to addresses where more than one voter with the same surname resides. You may obtain additional copies by writing to your county elections official or by calling 1-800-345-VOTE.